

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, January 19, 2021, at 5:30 pm via ZOOM Webinar at this link: <https://us02web.zoom.us/j/82829481740> or Webinar ID: 828 2948 1740. Instructions for downloading and using ZOOM can be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128.

In compliance with Utah Code Ann. §52-4-207, Chairman, Mark A. Anderson read the following determination in order to hold an electronic meeting without an anchor location:

*Based on the rising cases of COVID-19 in the Bear River Health District and State Public Health Order 2020-18 'Adopting COVID-19 Transmission Area Restrictions' categorizing our county designation as a High Transmission Area, it is determined that gathering in-person for the regular City Council meeting is a risk to the health and safety of those present. According to corona.Utah.gov, people at higher risk for severe illness include: Older adults, people of all ages with certain underlying medical conditions, and pregnant people might also be at increased risk of severe illness from COVID-19. Long-standing systemic health and social inequities have put many people from racial and ethnic minority groups at increased risk of getting sick and dying from COVID-19. Given that members of the Council and community who are required to be in attendance or may choose to attend have these risk factors, a virtual meeting (without an anchor location) will be held via Zoom. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128*

Council Members present at the beginning of the meeting via Zoom: Chairman Mark A. Anderson, Vice Chair Jeannie F. Simmonds, Councilmember Amy Z. Anderson, Councilmember Tom Jensen, and Councilmember Ernesto López. Administration present: Mayor Holly Daines, Assistant City Attorney Craig Carlston, Finance Director Richard Anderson, Kirk Jensen Economic Development Director, Police Chief Gary Jensen, Fire Chief Brad Hannig, Paul Lindhardt Public Works Director, Russ Akina Parks & Rec Director, Cameron Draney Water & WW Division Manager, Mike Desimone Community Development Director, Mark Montgomery Light & Power Director, Karen Clark Library Director, Emily Malik Conservation Coordinator, City Recorder Teresa Harris and Deputy City Recorder Esli Morales.

Excused: City Attorney Kymber Housley

## **OPENING CEREMONY:**

Councilmember Ernesto López gave the opening ceremony titled, “Cultural Diversity.”

*It's been a long-time coming. When I first arrived in the United States of America on September 2<sup>nd</sup>, 1996, I did so with many dreams. Dreams of achieving some degree of greatness in my lifetime. Dreams of succeeding where others had failed. Dreams of being all that I could be. Very quickly my dreams were eclipsed by the inadequacy I felt being a sophomore in high school. Not only was I in the middle of the complex teenage years, but I had just landed in a school where most people knew each other. Most of them looked like each other. A town where everyone was involved in agriculture. A place where most people like me came to work in the fields or dairy farms.*

*While the vast majority of people that surrounded me in my early years as an immigrant expected me to follow the patterns of those who came before me, there were a couple of people that saw in me something different. These teachers not only showed interest in my life and dreams, but they pushed me to excel with love and care. Without their understanding and willingness to help me get over my language barriers, I would not be here today. I truly believe God used them in a powerful way to bless me for the rest of my life.*

*It's been almost 25 years since my arrival and while I enjoy a fragile sense of belonging within our community, I don't believe every immigrant or diverse individual in this country shares the same feelings.*

*We have a part of society that says to immigrants we need you to work our underpaid fields, factories, hotels, restaurants, construction, etc, and offers them a job, while at the same time another part of society blames that same group for the various challenges in their communities.*

*We celebrate sports accomplishments from professional athletes and we also condemn them for using their public exposure to denounce racial inequalities.*

*Many of us believe God commanded us to love our neighbor, yet we seek to build walls to divide us.*

*If you asked me what is the state of the culturally diverse communities in our valley? I would probably answer “It's complicated.”*

*It's complicated because it's easy to forget that all people are human. All of us are one race. Regardless of where we were born, we are one people. If I am dark and you are light, we are still humans. It's complicated because if you profess a faith different than the majority, you're automatically left out of conversations and opportunities at different levels. It's complicated because our systems are designed to serve the majority, with the hope that the minority will have the same level of success. It's complicated because many*

*times we make assumptions and decisions about a group based on their ethnic background. It's complicated because if we don't experience the same pain others do, we can't fully understand what they're going through, even if we think we do. It's complicated because as great as any cultural group can be, there are "bad apples" in both majorities and minorities. It's complicated because my official immigration papers remind me, I am an alien in this great country. It's complicated because as thankful as I am to be part of this governing body, I'm only the first Hispanic to serve in it. So, what can we do? In my humble opinion, a good start would be to look beyond the color of our skin. Move beyond awareness and tolerance of cultures towards the celebration of their contributions. Truly care and love your neighbor to inspire greatness beyond measure. Realize that if a democracy is for the people and by the people it's best if it reflects the people that it serves.*

Chairman M. Anderson thanked Councilmember López for his words. He further emphasized the importance of education and asked where Councilmember López believed he would be otherwise without education.

Councilmember López answered that he does know where he would be otherwise nor the limitations that he would have faced.

Councilmember A. Anderson repeated the phrase from Councilmember López speech, "That it's complicated," and asked if there was anything that the councilmembers can do to help or make it easier for the community and individuals to help. She understands the hardship with the topic as she too struggles and wonders what she can do to better or aid the community.

Vice Chair Simmonds remarked that she had a good friend that happens to be a Priest in Colorado. Her friend does a Monday conversation and yesterday the topic was the tiny stitches that everyone can help make to heal the wounds of the nation and the various communities. She said if the Council can do anything to uncomplicate at least one thing to please let them know.

**Meeting Minutes.** Minutes of the Council meeting held on January 5, 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 o López to approve the January 5, 2021 minutes and approve tonight's agenda. Motion carried unanimously. (Councilmember Jensen was temporarily absent due to technical difficulties which were resolved before the next report on the agenda.)**

**Meeting Schedule.** Chairman M. Anderson announced that regular Council meetings are held the first and third Tuesdays of the month at 5:30 pm. The next regular Council meeting is Tuesday, February 2, 2021.

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

Chairman M. Anderson explained that the Questions and Comments portion of the agenda is suspended until we can once again have in-person meetings. In the meantime, comments can be emailed to City Recorder Teresa Harris [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who will distribute them to the Mayor and Councilmembers.

## **MAYOR/STAFF REPORTS:**

### **Board Appointments (Library Board) – Mayor Daines**

Mayor Daines asked the Council for ratification to appoint Zinthia Cornejo and David Welch to serve on the Library Board. She also asked the Council for ratification to reappoint Sheri Haderlie to serve on the Library Board.

Councilmember A. Anderson said that she knew Mr. Welch and Mrs. Haderlie having the pleasure to serve with them on other boards and were excellent candidates.

Councilmember López added that he knew Mrs. Cornejo from the Library Latino Council and that Mrs. Cornejo was truly dedicated to better the whole community.

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember A. Anderson to approve ratification of Zinthia Cornejo, David Welch, and Sheri Haderlie as presented. Motion carried unanimously.**

No further Mayor/Staff Reports were presented.

## **COUNCIL BUSINESS:**

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

Vice Chair Simmonds reported that the Planning Commission was rather active in their last meeting. They heard and reviewed a request for a rezone of the southwest portion of the block of 286 South 100 West on the East side of the street. The request is to rezone to Mixed-Use and the Council will hear the request on February 2, 2020.

Vice Chair Simmonds also reported that the A-OK RV Park returned with a request to be added to include long term stays as 90 days renewable. The Planning Commission discussed the request and will permit the restriction to a 90-day period with no renewable availability. The request will be brought to the Council to determine if that is appropriate for the community.

In addition, there was a second review of the Woodruff Neighborhood Plan. It is the third Neighborhood Plan that has been completed since they adopted the General Plan.

Chairman M. Anderson asked about the 100 West project on the east side as to what it was currently zoned.

Vice Chair Simmonds replied that the Future Land Use Plan dictates that it should be commercial, but it is currently zoned as Multifamily (MR20) which has a single-family home and a business on it. Some concern was expressed by the neighborhood that the rezoning might occur right into neighborhoods. The residents living west of the rezone would not be affected, but it is prudent to be mindful of changes to a residential area.

Councilmember A. Anderson agreed with Vice Chair Simmonds statement and said when they were doing Town Center 1 and Town Center 2, several locations were discussed, due to those that had purchased homes or renovated them.

Chairman M. Anderson thanked Vice Chair Simmonds for her report.

Councilmember A. Anderson gave an update on the Homeless Board. She said that every year nationally a Point-in-Time count is completed across the nation. It is a date where communities go out and count the number of homeless. It is always at the end of January, and a bit of a challenge in Cache Valley due to the cold weather. This year's count will take place January 27-28. BRAG is currently recruiting a group of volunteers to administer brief surveys to individuals and families experiencing unsheltered homelessness. Unsheltered homelessness is considered sleeping somewhere not fit for human habitation such as cars, sheds, garages, tents, storage units, outdoors, etc. Couch surfing or staying at a motel does not count unless temporarily housed by CAPSA. For more information on participating as a volunteer, please call, 307-221-3515, Jessica Lucero. Volunteers must be available for training on January 20<sup>th</sup> at 11 AM.

Councilmember Jensen asked for further clarification on the survey.

Councilmember A. Anderson clarified that it is a short question survey, not an interview.

Councilmember A. Anderson reported that in 2019 they had a count of 4 unsheltered homeless, and in 2020 there was a count of 59.

Councilmember López inquired as to the reason for the drastic jump from 2019 to 2020.

Councilmember A. Anderson stated that Jess. Lucero from BRAG presented a report which did address some of the reasons for the increase which she will forward to Councilmember López. (The report was presented to the Council prior to Councilmember López serving on the Council.) However, a big portion that they believe is the reason for the increase is the efforts of those doing the Point-in-Time count and in recruiting volunteers and working with local organizations. Some of the factors were simply raising the awareness of homelessness in the community and what is considered as such.

## **Update and expansion to Renewable Energy and Conservation Advisory Board (RECAB) – Mayor Daines and Councilmember Jensen**

Mayor Daines addressed the Council and explained that the RECAB Board was established because of an interest in air quality, climate change, and other matters as well. They would like to propose potential changes to their bylaws at the next RECAB meeting and any input can be communicated to Councilmember López or Councilmember Jensen before the next meeting that will take place in February. In addition, the Council and Mayor adopted the Utah Climate Clean Air Compact. The changes would permit RECAB to focus on several of the compact goals.

Councilmember A. Anderson reviewed some of the suggestions and inquired if there would still be a student representative on RECAB which allows for members of the community to participate.

Mayor Daines confirmed that a student had attended the last meeting and was interested in participating. The student in particular happens to be a current student of one of the Professors on the Board conducting research.

Vice Chair Simmonds asked if Mayor Daines or Councilmember Jensen would state the reaction of the current RECAB Board to the proposed changes.

Councilmember Jensen's perception is that it was accepted. The collaboration with the two groups was something to look forward to nor did he detect any opposition at that time.

Vice Chair Simmonds believes that RECAB has done an excellent job in pointing the Council towards energy resources. She believes that the same would be for environmental issues.

Chairman M. Anderson asked for a time frame from Mayor Daines on when the bylaws would be approved by RECAB.

Mayor Daines said the expectation is to have them ready by the next meeting held in February and then to be immediately ratified.

No further Council Business items were presented.

**ACTION ITEMS: Chairman M. Anderson explained due to meeting restrictions because of COVID-19 precautions, there were two options for those wanting to make a public comment:**

**1. Email comments to [teresa.harris@loganutah.org](mailto:teresa.harris@loganutah.org), who distributed them to the Mayor and Councilmembers. Although you may send email questions and comments during the public hearing portion of the meeting, to guarantee they will be distributed to the Council before the meeting, submit by Monday, January 18 at 5:00 p.m.**

**2. Join the meeting via ZOOM Webinar ID: 828 2948 1740. A host will monitor the online meeting. When we get to the agenda item where you wish to comment, use the “Raise your Hand” feature to indicate you want to speak, and the host/or Chair will recognize you in turn. As always, comments are limited to three minutes per person. \*\*\*NOTE: Facebook Live comments are not part of the official meeting or public comment.**

**ACTION ITEMS:**

**PUBLIC HEARING - Consideration of a proposed resolution approving USU Water Rate Modifications – Resolution 21-04**

At the January 5, 2021, Council meeting, Water/Wastewater Division Manager Cameron Draney addressed the Council regarding the proposed resolution. He said in 2018 Logan City conducted a cost-of-service study for water utilities. As a result of that study, Resolution 18-04 was approved by the Council to revise our utility rates for the drinking water system. It was an immediate 35% increase in water utilities with a 3% annual increase after that for a total of five years and this was citywide. At the time, we intended to apply the same rate adjustment to Utah State University however they had some concerns that because they are a wholesale purchaser of the water and they are in fact our only wholesale customer, that this rate adjustment might not be applied the same way to them. Logan City respected their concerns and agreed to hire a third-party consultant, HDR Consulting (Tom Gould), and it was a split cost 50/50 with USU and Logan City. Mr. Draney said the City expected the cost-of-service study to be relatively quick and simple however, it was discovered that a series of historical agreements between USU and Logan City regarding drinking water and the delivery of water to USU were in place with the first dating back to 1959 and some were not all that clear. Mr. Gould was able to do an in-depth, comprehensive analysis of all the existing utility agreements. He also completed a true cost of service study specific to USU. From the cost-of-service study, the City has worked back and forth with USU and all have agreed to make the proposed changes that are before the Council in Resolution 21-04. The change is in the Residential Base Charges. Previously, The City had a rate table for residential and commercial for Logan City residents, businesses, and a separate set of rates for USU. The City and USU agreed it would be simpler and closer to the industry standard to have USU be applied at the same rate as the rest of Logan City residents and businesses so USU has been added to the existing table(s) for the Base Rate Charges. The next change would be for their actual Consumption Usage Rates and USU agreed to the proposed rate changes which are listed in Resolution 21-04.

Cameron Draney, Water/Wastewater Division Manager addressed the Council with a brief summary of that which was discussed at the Council meeting on 01/05/2021. There was a cost-of-service study conducted with USU to create the utility rates for them specifically. Both parties have agreed to the negotiated rate and the resolution is simply up for approval.

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 Vice Chair Simmonds to approve Resolution 21-04 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Budget Adjustment FY 2020-2021 appropriating: \$17,000 a grant the Fire Department received from the State of Utah to purchase equipment and software for the Emergency Operations Center; \$10,480 a reimbursement the Police Department will receive from the State of Utah for enforcement of events by businesses and for overtime shifts; \$3,700,000 additional funding for the completion of the Sewer Treatment Plan not included in the construction contract, including but not limited to landscaping and paving; \$3,255 an additional grant the Fire Department received from the State of Utah to purchase EMS equipment and for training of fire personnel; \$500,000 Electric Reserves for distribute of Capital Projects; \$67,208 FY2020 State Alcohol Enforcement Funds; (\$1,205,500) to reduce the General Fund budget for the Fire Ambulance Division; \$1,205,500 to appropriate the EMS Fund Budget; \$326,642 additional Ambulance Billing Revenue and associated expenses; \$200,000 Contingency; \$200,000 Reserves for the replacement of an irrigation pump servicing the Golf Course and Parks and Recreation Quadraplex – Resolution 21-01**

At the January 5, 2021, Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

Mr. Anderson stated that Light and Power Director Mark Montgomery sent the Council a memo explaining the request to move \$500,000 from reserves into their construction account in their Distribution Division. They did not anticipate the rapid growth they are seeing in their electrical load wiring the servicing territory. In fact, they anticipated that 2020 would slow down significantly but, it did the opposite. Last budget year, which ended in June, they spent \$1.3 M from this account and were over budget. They have completed a list of projects this year but have exhausted the budgeted \$465,000.00 for this year and are at this time requesting \$500,000.

Mr. Anderson addressed the Council again concerning the proposed budget adjustment that was presented on January 5, 2021. He specifically discussed the two largest amounts at the Council's bequest of 3.7 million dollars in additional funding for the completion of the Sewer Treatment Plant not included in the construction contract, including but not limited to landscaping and paving. The appropriation should permit the completion of the project unless there are unexpected variances that are not at present anticipated.

As for the second item (\$1,205,500) to reduce the General Fund budget for the Fire Ambulance Division; \$1,205,500 to appropriate to the EMS Fund Budget. Basically, the budget is being removed from the General Fund and being moved to the EMS Fund.



Chairman M. Anderson asked if the Sewer Treatment Plant is still on budget and on time to completion.

Mr. Anderson confirmed that was indeed the present situation.

Councilmember Jensen asked what the percentage of the budget had been used or completed.

Mr. Anderson replied that at present they were at 66% and had expended the funds to start the 100 million dollars borrowed to complete the project. It was originally 38 million dollars, with the appropriated funds of 42 million in total to complete the project.

Chairman M. Anderson opened the meeting to a public hearing, and confirmed with City Recorder, Teresa Harris that no emails had been received regarding the public hearing.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Councilmember Jensen to approve Resolution 21-01 as presented. Motion carried unanimously.**

**PUBLIC HEARING - Consideration of a proposed ordinance amending Section 9.12.060 of the Logan Municipal Code Regulating Disorderly House – Ordinance 21-01 – Police Chief Gary Jensen**

At the January 5, 2021, Council meeting, Police Chief Gary Jensen addressed the Council regarding the proposed ordinance. He explained that Disorderly House is identified in the City Code as, *“It is unlawful for any person to suffer or permit any drunkenness, fighting, unlawful gains, riotous or disorderly conduct whatever on such person’s premises.”* Chief Jensen said the police run into this situation often and in the past, it has been prosecuted at the level of a Class B Misdemeanor. The police did not classify this as a Class B Misdemeanor but had an ordinance that said anything not identified by a Class was then in fact a Class B Misdemeanor. The State of Utah said that if a City has not classified a criminal event then it would be listed as an Infraction. What is proposed in the ordinance amendment to Section 9.12.060 is to give it a name and violation of a Class B Misdemeanor for Disorderly House.

Police Chief Gary Jensen briefly summarized the presentation of the ordinance that took place on January 5, 2021.

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

Doctor Gail B. Yost, a resident of Logan City, who resides at 260 S 100 E addressed the Council. She said that based on what Chief Jensen had said she understood that occurrences are far more frequent than infrequent. She was curious what the statistics were and if so, what they were by neighborhood. (She primarily was concerned about the

Wilson neighborhood. If there were a substantial number of incidents to be aware of in that area).

Chief Jensen said that those numbers could certainly be pulled and emailed to her.

Vice Chair Simmonds asked if when the Chief received a request for statistics was that the only information that was given out.

Chief Gary Jensen replied that was indeed the case and any confidential information would not be included in the statistics.

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

**ACTION. Motion by Vice Chair Simmonds seconded by Chair A. Anderson to adopt Ordinance 21-01 as presented. Motion carried unanimously.**

**Certification of Campbell Annexation Petition – Consideration of an annexation petition filed by Mark Daines on behalf of Paul Campbell for the purposes of annexing 37.45 acres, more or less, into the City of Logan located North of 2200 South and East of 800 West.**

Community Development Mike DeSimone addressed the Council regarding the proposed annexation.

The complete annexation petition and supporting documentation are available for inspection and copying in the offices of the City Recorder, City of Logan 290 North 100 West Logan, Utah 84321, and in the Department of Community Development at the same address during regular City business hours. More information is available by contacting Mike DeSimone, Director of Community Development at 435-716-9022 or [mike.desimone@loganutah.org](mailto:mike.desimone@loganutah.org).

The Council may approve the proposed annexation following a public hearing scheduled for Tuesday, March 2, 2021, beginning at 5:30 p.m. in the Municipal Council Chambers. All public comments shall be submitted in writing by February 19, 2021. This public hearing will take place and action may be taken unless a protest is filed with the Cache County Boundary Commission. A protest to the proposed annexation may be filed by the legislative body or governing body of an affected entity or the owner of rural real property as defined in the Utah Code.

**Certification of Carles Jessop (Kunzler II) Addition Annexation Petition – Consideration of an annexation petition filed by M. Brett Jensen on behalf of Charles and Sally Carles Living Trust and S. Willard and Elaine D. Jessop for the purposes of annexing 19.7 acres, more or less, into the City of Logan located on the West side of 1000 West and South of 1100 South**

The complete annexation petition and supporting documentation is available for inspection and copying in the offices of the City Recorder, City of Logan 290 North 100 West Logan, Utah 84321, and in the Department of Community Development at the same address during regular City business hours. More information is available by contacting Mike DeSimone, Director of Community Development at 435-716-9022 or [mike.desimone@loganutah.org](mailto:mike.desimone@loganutah.org).

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Community Development Mike DeSimone addressed the Council regarding the proposed annexation of the two items on the agenda. Mr. DeSimone explained that it was more of a formality that involved recognition of the Council that a process of annexation had begun in terms of the two projects as part of the City. The City Recorders, Teresa Harris must record that the party, (or in this instance parties) met the application requirements and stipulations. Once this has occurred there is a public noticing of three times and there will be a hearing held in March. Any affected entities will receive a letter requesting comments.

Vice Chair Simmonds asked about the Kunzler Conservation Easement.

*Mayor Daines began "as mentioned, the Quality Growth Commission met yesterday and did approve our request for funding from the McAllister Fund for a revised Kunzler Easement. The original was for 73 acres, which has been reduced to 47 acres. The corresponding reduction in price is from \$875K to \$481K. The area is still all along the river; it is mostly a narrower strip between the river and the proposed development. One of the potential annexations on the agenda last night would be part of the proposed development. It will take some time for the development to work its way through the Planning Commission and City Council for all the needed approvals, but we (Kunkler Family, Developer, City) all agreed to proceed with the easement. The Developer has also agreed to help fund the trail in the easement.*

*I'm pleased they let us amend the original application. Otherwise, we would have had to start all over with a new grant request and the McAllister fund did not receive any funding from the Legislature last session. We did apply at the right time when they had significant funds.*

*Council previously approved an allocation of funds to provide our match for the grant and last night I told you we would need to bring that back for re-approval because this is a new fiscal year. That was incorrect. Rich (Finance Director) tells me he carried that*

*funding forward, so we already have approval. The balance of the reduced amount will be returned to the appropriate accounts.*

*Before we submitted the amended request to the Commission, we did seek and receive prior approval from the County Council to keep our RAPZ grant awards with the agreement that we would prorate the funds based on the reduced acreage. We originally received \$150K for the city (Russ applied for Parks) and \$150K for a county contribution to the easement (Craig Buttars, through the Trails Planner, also applied for \$150K for the project.) So, we will now submit a request for the reduced amount.”*

82,620 County RAPZ  
82,620 City RAPZ from County  
165,240 Storm Water Funds  
54,920 Possible grants, otherwise Storm Water Funds  
481,750 McAllister Grant  
96,350 Seller Donation

(Post Reclarification from Mayor Daines regarding the Kunzler Easement.)

Mayor Daines added that there is a deadline of April 1, 2021.

Councilmember Jensen asked for an explanation from Mr. DeSimone regarding the statement of the process of an annexation merely being a formality.

Mr. DeSimone replied that the Council either states they accept the annexation petition or denies the annexation petition. That is the only choice available to the Council as it cannot be delayed.

Vice Chair Simmonds interjected that there is still an option in the future once the property(s) once more come before the Council after being reviewed. The Council still retains the ability to accept or deny the property from becoming a part of the City. It is merely starting the annexation process, legally.

Mr. DeSimone said that Vice Chair Simmonds explanation was accurate.

Chairman M. Anderson asked Mr. DeSimone if there was any reason not to start the certification process at this time. deny the annexation.

Mr. DeSimone replied that it is certainly a possibility, but it permits transparency and allows the public to provide comments. It also runs concurrently with another process which is an appeal to the Boundary Commission Board. It permits the public to be aware of the process and if the public is concerned, they have an opportunity to react.

***The Council were all in agreement for City Recorder Harris to move forward and certify both annexation petitions.***

## **WORKSHOP ITEM:**

**Budget Adjustment FY 2020-2021 appropriating: \$392 additional funding the Communications Center received from the State of Utah for the FY2021 grant for medical-related training for personnel; \$128,460 funds for fire wildland and standby reimbursements; \$16,500 police rolling stock reserves for the purchase of a replacement vehicle – Resolution 21-07 – Richard Anderson, Finance Director**

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments. Regarding the request for a purchase of the replacement vehicle, he did emphasize that with 70 vehicles throughout the City fleet there is bound to be a vehicle that does not work according to plan. The replacement vehicle is used and will fill in the slot of an expiring vehicle. However, the purchase is coming from reserves and thus is brought before the council's attention. Although for that same reason the purchase would come to the reserves set aside for such an emergency.

Councilmember A. Anderson requested that Chief Jensen provide more information at the February 2 Council meeting about police vehicles at present.

Vice Chair Simmonds added that many of the vehicles are coming within a special program such as all the maintenance comes with the purchase price for a year or two. Afterward, there is an agreed upon refund price applied for a new vehicle.

Mr. Anderson explained that most of the rollover vehicles are only lightly used. When it's a police patrol or investigation vehicle they are used more frequently, and these vehicles are kept longer.

The proposed resolution will be an action item and public hearing at the February 2, 2021 council meeting.

There were no further workshop items presented at tonight's council meeting.

## **OTHER CONSIDERATIONS:**

Councilmember Jensen said that the Council had all received a letter about the proposal to loosen the regulations or better yet give the State control over the billboards especially illuminated billboards. He adamantly opposes the proposal as it would be very difficult, debilitating to the beautiful scenic views of the valley. He feels the billboard industry donates and lobbies to the legislature. He asked for a comment from Mayor Daines and added that the League of Cities & Towns would aid them in protesting against the proposal.

Mayor Daines said that Senator Sandall agreed to pull it from the agenda, while the League had conversations with him. She is not certain if the League already began discussions, but the League is aware. She urged the Council and to contact Senator Sandall to share their concern.

Vice Chair Simmonds asked if they should contact their legislators as well.

Mayor Daines replied that Senator Sandall represents a portion of Cache Valley, but it could not hurt if the proposal is approved and goes to legislation.

Councilmember Jensen said that he received a letter from the Wilson neighborhood. It is about animal control and how Logan City has done very little in controlling the cat population.

Mayor Daines responded that it's a matter of resources and Council controls those resources. The County is moving ahead with a County animal shelter and we anticipate that we will contract with them with them for services in the future. We do not know at this point what the costs will be and are waiting for further information.

She went on to explain that years ago animal control was able to take cats to the shelter for free. However, this resulted in individuals from other towns and cities dumping cats in the City, because they knew that the cats would be taken care of by the City. There have been hoarding situations as well. However, those tend to be dealt with on an individual basis.

At this time, Mayor Daines along with Chief Jensen will be proposing a similar budget for Animal Control. The police department has been handling dogs quite well and has a contract in-house with a vet, who takes care of cats when those instances should arise. There are a number of priorities and cats are not at the top of her list, but if the Council would like something to be done sooner it is up to their discretion.

Councilmember Jensen asked when the County would be able to handle the cat problem.

Mayor Daines answered that it would be at least a year until the facility is up and running.

Chief Jensen interjected that there are services for cats that are up and running, but they are limited at this time. They are cautious about how to utilize the services for cats. He also received the same letter, but at present, they must be cautious with how they proceed with their budget.

Councilmember Jensen indicated that he received another letter about parking regulations at 1250 North, East of 600 East, at a high-rise, (William Theurer's). The residents worked with Officer Parslow on an agreement to release the parking regulations in this area.

Mayor Daines explained that her understanding was that Officer Parslow was working with the neighbors and would be bringing a proposal back to the Council. The Council can decide if they want to make any changes to the parking in this area. The property

does not qualify for permits for some specific reasons, if the Council chooses to change those guidelines, they certainly may do so.

Councilmember Jensen explained that he attended a conference presented by the Salt Lake Downtown Alliance. There were awards given out to businesses for exemplary services. The keynote speaker, Charles Montgomery from Vancouver, Canada wrote a book titled, "Happy City, Transforming our Lives through Urban Design." (Full of historical detail and new insights from psychologists and Montgomery's urban experiments.) He said the book is in line with what the City is trying to do Downtown and making our streets lively.

Mayor Daines said the League brought in a speaker to discuss similar points with the same goal of working to better their cities.

Councilmember A. Anderson said there have been several questions and concerns regarding the In & Out restaurant location. He said now is an opportunity to look more strictly at our City Business ordinances, and possibly discuss this further down the road.

Councilmember López interjected the shared news about Logan being ranked nationally as one of the Fittest Cities. He is not aware if citizens of Logan are aware nor much less of the process for ranking. He asked if the City would be interested in joining forces with some of the local gyms to set a goal of improving our ranking.

Mayor Daines said that she believed she had sent out the link for the survey on how the ranking was conducted. If someone did not receive it, she can send it to them. The Parks & Recreation Department applied for a healthy city grant two years ago through the League of Cities. The City received some funding and have purchased outdoor exercise equipment that is being installed in some of the City parks. The City continues to work on making improvements and she thought the ranking was a nice recognition.

There were no further items to be considered by the Council.

**ADJOURNED.** There being no further business to come before the Council, the Logan Municipal Council adjourned to a meeting of the Logan Redevelopment Agency.

The Logan Redevelopment Agency convened on Tuesday, January 19, 2021, at 6:39 pm via ZOOM Webinar at this link: <https://us02web.zoom.us/j/82829481740> or Webinar ID: 828 2948 1740. Instructions for downloading and using ZOOM can be found at <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>. Logan Redevelopment Agency Meetings are televised live as a public service on Channel 17 and City of Logan Facebook page: <https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128.

In compliance with Utah Code Ann. §52-4-207, Chairman, Mark A. Anderson previously read the following determination in order to hold an electronic meeting without an anchor location:

*Based on the rising cases of COVID-19 in the Bear River Health District and State Public Health Order 2020-18 'Adopting COVID-19 Transmission Area Restrictions' categorizing our county designation as a High Transmission Area, it is determined that gathering in-person for the regular City Council meeting is a risk to the health and safety of those present. According to corona.Utah.gov, people at higher risk for severe illness include: Older adults, people of all ages with certain underlying medical conditions, and pregnant people might also be at increased risk of severe illness from COVID-19. Long-standing systemic health and social inequities have put many people from racial and ethnic minority groups at increased risk of getting sick and dying from COVID-19. Given that members of the Council and community who are required to be in attendance or may choose to attend have these risk factors, a virtual meeting (without an anchor location) will be held via Zoom. Logan Municipal Council Meetings are televised live as a public service on Channel 17 and City of Logan Facebook page:*

*<https://www.facebook.com/cityoflogan>. To listen to the meeting by phone call: US: +1 669 900 9128*

Council Members present at the beginning of the Logan Redevelopment meeting via Zoom: RDA Chairman Mark A. Anderson, RDA Vice Chair Jeannie F. Simmonds, Councilmember Amy Z. Anderson, Councilmember Tom Jensen, and Councilmember Ernesto López. Administration present: Mayor Holly Daines, Assistant City Attorney Craig Carlston, Finance Director Richard Anderson, Economic Development Director Kirk Jensen, City Recorder Teresa Harris, and Deputy City Attorney Esli Morales. Excused: City Attorney Kymber Housley.

### **ACTION ITEM:**

#### **PUBLIC HEARING - Consideration of a proposed resolution approving Agency Assistance to L59 Multifamily, LLC for its Redevelopment Project in the Downtown Redevelopment Project Area – Resolution 21-03 RDA**

At the January 5, 2021, Council meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution to consider Agency Assistance and Incentive to L59 Multifamily, LLC. He said this project consists of a 108-unit apartment building and 10 townhomes located at 150 South 100 East in the Downtown Redevelopment Project Area. It is proposed that the Agency provide \$350,000 from the RDA Affordable Housing Fund upon completion of its Project. Monies from this Fund can be used for market-rate housing projects in a redevelopment project area where a blight finding exists. All construction plans are to be approved by the City of Logan Planning Commission. Additionally, the Redevelopment Agency encourages L59 Multifamily, LLC to utilize local contractors and vendors whenever possible. The Economic Development Committee has reviewed the proposed investment and recommended approval for the \$350,000 to come from the Affordable Housing Fund. Mr. Jensen introduced Skyler Jenks who is one of the principals from L59, Multifamily, LLC.

Skyler Jenks addressed the Council and gave a presentation on the L59 Multifamily, LLC Project. He said the L59 Project is a multi-faceted development that will help redevelop



Logan City's downtown district. It consists of 10, 3 story townhomes and a mid-rise apartment building with 108 units including studio and one/two-bedroom units. The site is located at 150 South 100 East and encompasses the middle of the block. This development will offer a high-quality project that will reimagine the beauty of downtown Logan and complement similar redevelopments nearby.

This location supplements recent downtown renovations and developments like Merlin Olsen Park and Center Street. L59 will further uplift Logan City's presentation and drastically improve both downtown and Logan City residents. The project goal is to uplift the area, neighborhood, and general community. He feels certain that by partnering with Logan City, L59 will be a fantastic long-term addition to the downtown aesthetic.

L59 Multifamily is requesting \$500,000 from the Redevelopment Agency (RDA) to aid in downtown development for the reasons listed. The Economic Development recommended approval of \$350,000.

- The demolition costs are estimated at \$435,164. This includes asbestos abatement, demolition of the six homes, and fill needed for the foundation removal.
- They have reached an agreement with Logan City to purchase 0.5 acres of Garff Gardens to make this project feasible. The purchase price is \$185,000, which includes a \$10,000 non-refundable down payment.
- The purpose of the RDA is to help in the redevelopment of these exact projects. The six homes along 100 East are condemned and create a public nuisance for all that reside in that area. L59 will create substantial improvements that will benefit all stakeholders.
- The project on 100 West was granted \$500,000 in RDA money and he believes that L59 will be a bigger project and is much more needed with the eyesore of the condemned homes along 100 East.
- The \$500,000 is critical to the project's initial success and will be instrumental in fast tracking the demolition and initial construction phases.
- Parking – The City requires 1.5 stalls for every studio/one-bedroom unit and 2 stalls for every two-bedroom unit. This totals 177 stalls plus an additional 17 stalls for visitor parking. The project now meets this requirement with the additional parking that is to the West that will be used as common area parking for the visitor parking.
- The parking lot will also require 18 square feet of landscaping per stall in the perimeter or surrounding areas. This is achieved based on the site plan shown in this presentation. If there is a need for more, they can also put diamond-shaped planters in the middle of every row.
- The building height will not exceed 35' tall on the townhomes and is set at 48' tall on the four-story building.

- In the MR-20 Zone, it states that the project will need 20% in open space and an additional 10% in usable outdoor space. They achieved this through the required setbacks for the townhomes and rooftop patios that will be accessible through the third story master bedroom suites. These rooftop patios will be a great addition to the townhomes and create a new urban feel for the downtown area.

Mr. Jenks said construction costs are very high at this time and he is hoping costs will go down in the coming months.

Mr. Jenks reviewed the proforma of the project focusing on a cash-on-cash measure which is basically a return on equity around 7.51% on year one of stabilization of 90% occupancy or greater. He also reviewed the income and expense of the project and the discounted cash flow model.

Mr. Jenks said L59 Multifamily, LLC is the legal entity of this project. The current principals are Jay Jenks, Skyler Jenks, Kelly Harmon, and Ryan Reeves. Once they have approval from the RDA, they will raise additional capital to help fund the equity requirement. He feels this project is an opportunity zone that gives possible added tax benefits to investors depending on their tax situation; however, the opportunity zone will not change the value of the overall project value.

Mr. Jenks mentioned the site amenities of the L59 project which are an outdoor gathering area with picnic tables and barbeque grills, dog park, mail and package delivery rooms, common workspace/meeting rooms, and a fitness room. He also said they will retain ownership of the project. He has a 24 month build period built into the project which includes stabilization and hopes to have construction completed within 18 months. They are hoping to get started this February and will build the townhomes first on the North end of the project area. The 108-unit apartment complex will be built simultaneously. The townhomes will be rental properties and will be market-rate housing. He is not sure at this time if management will be located onsite.

Economic Development Director Kirk Jensen summarized the proposal presentation on January 5, 2021 and the brief changes made since then. The resolution is to consider providing assistance to L59 in the amount of \$350,000 and would come from the RDA's Affordable Fund. It would be a single amount paid once L59 met all the stipulated conditions in the agreement. The project consists of 2 parts, a total of 10 townhomes, and 108 multifamily apartment units.

Councilmember Jensen asked the reason why the amount being provided/requested is different.

Mr. Jensen responded the original project was taken over by a new development team with a few minor changes. The most significant change is that it did not require going back to the Planning Commission is that they took that third level space and rather than just having an open-air patio, they added square footage with the patio being preserved.

He is also aware that the question was raised if the project went from two stories to three stories, but that is not the case. The original proposal was for a three-story structure and is still proposed as such right now.

Councilmember Jensen thanked Mr. Jensen for the explanation, but he again asked the question as to what was the amount that was agreed to from the RDA.

Mr. Jensen answered that the original project proposal was for \$400,000 which comprised two portions, \$100,000 and \$300,000 from the RDA. Overtime the \$100,000 went away as the RDA funds grew smaller. The entire incentive is now coming from Affordable Housing and that was bumped from \$300,000 to \$350,000.

Councilmember Jensen further inquired that if the amount for the incentive was coming from Affordable Housing, but was not being used for affordable housing, how did that work.

Mr. Jensen replied that originally when the RDA's were created, the legislature provided the guidelines and statutes to guide the usage of those funds allowed for Affordable Housing Funds to be used in a project area where the blight findings existed. Concurrent with the establishment of this downtown redevelopment project area roughly 20 years ago, concurrent with that there was a blight analysis completed. Property by property the downtown project area was looked at and the findings corresponded with blight. Because of that it allows for Affordable Housing to be used for market-rate housing. (In his opinion the thought behind that is that the legislature saw the value in housing and what it means for a downtown. For years for anyone, who understands downtown redevelopment housing is a big part of a downtown.)

Vice Chair Simmonds says that she is always reserved and hesitant when she hears that there will be some minor changes or there might be on-site management or not. One of the stipulations that Kymber Housley, City Attorney reminded her at the last meeting is that the townhomes must be completed prior to an occupancy permit for the larger structure. That was in hopes that we would not come upon a developer who would create an apartment complex without the front piece that is so important to the neighborhood. That is still in existence and is part of the development agreement. She would however prefer if there were onsite management and asked if it would be possible to stipulate that in the resolution.

Mr. Jensen said that in terms of onsite management, the developer said that considering the size of the project that they intend to have onsite management.

Vice Chair Simmonds believes that it would be helpful and be reassuring to the neighborhood to know there was onsite management. Considering previous remarks there is a genuine concern about unregulated multifamily housing in our neighborhoods.

Councilmember A. Anderson said that the assurance that there will be property management to ensure that those properties are maintained and kept up is also important to the neighborhood.

Councilmember Jensen clarified his stance that he agreed with Vice Chair Simmonds. He would like to stipulate that onsite management be required, and from what he understands the number of units would require it as such.

Vice Chair Simmonds concurred that stipulation could in fact be made given the number of units. She is not opposed to the fruition of the project but wants to ensure that the neighborhood's concern and the Councils are addressed.

Mayor Daines interjected that the Council could make a requirement for onsite management a stipulation for receiving the incentive.

Councilmember A. Anderson explained that the sale of the parkland is in conjunction with the completion of the townhomes, before the occupancy permit for the larger building.

Mayor Daines made clear that L59 had to have completed the townhomes before they can start building the apartment unit according to the development agreement.

Vice Chair Simmonds reminded the Council that one of the stipulations with the sale of that parkland is that the developers must do enhanced landscaping. The park side of the property and only gated access for emergency vehicles through the park from the property are allowed.

Councilmember A. Anderson said that she appreciated the opportunity for the Council to ask these questions since they are not privy to the developer agreement, and for the opportunity to clarify their understanding and intent that took place.

Vice Chair Simmonds recapped that the townhomes were rezoned to MR20, and the fact that a bedroom was added did not change the number of parking spaces that are required if it were TC2. Therefore, the development becomes like any MR20, with two parking stalls per unit.

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

Doctor Gail B. Yost, a resident of Logan City, was concerned in two regards. The first is with the use of Affordable Housing Funds that there have been no requirements not even 10% to be used for affordable housing. Market rate housing is coming into an area that does not have very many market rate apartments and emphasized the fact that the City needs more affordable housing. She asked why it was not part of the agreement that at least 10% for affordable housing be included in the apartment complex.

Dr. Yost's second concern is that when the searches occurred for blight why were the owners or landlords of these properties not penalized for allowing the properties to degrade to blight status.

Economic Development Director Kirk Jensen explained the rationale behind the decision. In terms of affordability based on the proposed rent in these units and applying an industry standard of 28% of a family's budget being allocated to housing, all the units fall within the affordability range. At present, there is a rather limited housing market as of current there are only 33 Single Family Homes on the market in Cache County right now, and 18 of those homes are worth \$600,000 and above. With such limited housing options in the Valley at present providing apartment housing that is truly affordable serves the population of the Valley and revitalizes downtown to create an ecosystem of economic demand for goods and services.

In terms of the second concern, the blight study was completed 20 years ago. It was up to the property owner or landowner to manage the property. The criteria for consideration of blight is a wide variety of considerations and must be in direct violation of a city ordinance.

Councilmember A. Anderson had some concerns regarding Affordable Housing. reviewing the established guidelines established in 2018 by the Council, the Council resolved that Affordable Housing is defined by housing occupied by lower to moderate-income families. Low Household Income was defined as 80% of the median income of Logan, and moderate-income is 81% to 121% median income for Logan. \$61,000 is the median for Logan, therefore the definition of Affordable Housing needs to be kept in mind.

Vice Chair Simmonds reminded the Council of the blighted abandoned properties that are currently still on the development property presently. Her question was that since these buildings are in fact abandoned are the buildings being charged a fee that is related to blight.

Mr. DeSimone replied that was not the case at this time. At present, L59 already has a demolition permit to start tearing the buildings down. In the meantime, they permitted the Fire Department to train within the buildings which has in fact enhanced the deterioration. It has been a process, but ultimately, a better project will come into place.

Vice Chair Simmonds mentioned that is one of the manners that they attempt to prevent absolute neglect, (via the abandoned property fee).

Councilmember A. Anderson emphatically said that she would like for there to be more of a definition of that which is considered Affordable Housing. A future discussion for the Council to consider.

Councilmember Jensen asked for clarification on the moderate median income to which Councilmember A. Anderson replied that \$61,000 is the base starting median for moderate-income.

Councilmember López shared Councilmember A. Anderson's concerns about defining Affordable Housing.

Councilmember A. Anderson continued that especially during this time that is far more visible with the differences between those on the opposite ends of the spectrums. Working with organizations such as housing for refugees, the food pantry, and other organizations. She said there is a real shortage of housing for those with incomes at the lower end.

Vice Chair Simmonds added to Councilmember A. Anderson's previous statement that there are plenty of owners or landowners that fail to comply with their duties as they fail to not understand all the obligations and rules in respect to tenants. Although projects in the past have required a certain percentage be affordable housing within their project. It does not have to be mandated if certain funding is coming from certain sources usually Federal Government sources and did agree that it would be best to define Affordable Housing in a future conversation.

Chairman M. Anderson stated that the Council received an email from Gary Saxton of the Logan Downtown Association in favor of the resolution.

Councilmember A. Anderson reminded the Redevelopment Agency about the stipulation for onsite management for the project.

Councilmember Jensen declared that he would like to make it a stipulation for this particular project rather than a citywide stipulation and to note the sensitivity to the neighborhood to manage disputes, nosy complaints, parking, etc.

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

Before casting his vote, Councilmember López asked the developer whether the requirement for onsite management will affect the project or not.

Ryan Reeves, (one of the developers of L59) replied that the stipulation of onsite management would not halt nor disrupt the project by any means. An internal decision had already been made to facilitate the usage of onsite management.

**ACTION. Motion by Councilmember Jensen seconded by Vice Chair Simmonds to approve Resolution 21-03 RDA as amended with the stipulation that the project provide onsite management. Motion carried unanimously.**

## **WORKSHOP ITEM:**

### **Consideration of a proposed resolution approving Agency Assistance to 300 North Main, LLC for its investment in the property located at 25/35 West 300 North in the Downtown Redevelopment Project Area – Resolution 21-06 RDA**

Economic Development Director Kirk Jensen addressed the Redevelopment Agency regarding the proposed resolution. The project is located at 300 North Main in the land assembly of acquiring the northwest corner North of the police department. Two parcels were recently acquired which is 25 West 300 North, and 35 West 300 North. To revitalize this corner, the land assembly has been taking place. Eleven years ago, the City acquired a small corner piece and more recently, within the last year, the remainder front was acquired which is the Army/Navy Building.

Besides these parcels the principles of the entity known as 300 North Main, LLC has ownership of other properties that are on the same block. The building houses the restaurant known as Fox's Pizza Den, and other businesses, (plus surfacing parking). An owner with plenty of vested interest in that block and its future.

The developer put these under contract and had to pay a premium to acquire the recent properties. Recognizing the importance of the properties in achieving redevelopment, it is proposed that the RDA mitigate by assisting and agreeing to subsidize future demolition efforts which serve the interests of the RDA to remove blight. To clarify the Redevelopment Agency of the City of Logan will make available to 300 North Main, LLC the sum of up to \$150,000 as a credit towards demolition of its building located at 25 West 300 North and the building owned by its principals located at 339 North Main Street, conditioned upon 300 North Main, LLC completing the demolition of both buildings as soon as is reasonably allowable, but no later than December 31, 2025. Only the demolition of the building located at 25 West 300 North will be required to receive reimbursement.

This agreement is further conditioned upon 300 North Main, LLC reimbursing the City for any demolition costs received from the City should it sell the property located at 25/35 West 300 North to third-party for development of the property that is not part of a larger development that includes the City property. Said condition is only applicable if the property is sold for more than \$850,000 and is sold within five years after receiving the demolition reimbursement. Furthermore, 300 North Main, LLC will give the City a "First Right of Refusal" to match bona fide offer to purchase the property during the five years after receiving the demolition reimbursement.

Vice Chair Simmonds asked if that did not include access to the back of what is known as the Fox's Pizza Den.

Mr. Jensen replied that the current resolution did not, but that there had been discussions with the developer to help facilitate better access to that building.

Vice Chair Simmonds further asked if there was any money available to the City.

Mr. Jensen said that would be possible if an Easement is available to them, south of Fox's Pizza Den. There would be a renter that they would be obligated for \$250,000 a month but would be forgiven if we enter into a development agreement. for a time period of five years.

Councilmember Jensen asked if the alleyway located west of the property was a right-of-way.

Mr. Jensen responded that he would have to research if it is publicly owned.

Vice Chair Simmonds added that the lot location of the former Herald Journal is owned by another party, but the right-of-way may be in discussion with Mayor Daines at this time.

Mayor Daines added that the right-of-way is labeled as 50 West on the map and bears further research.

Mr. Jensen agreed and will report back to the Council on his findings.

Mayor Daines was concerned with the mitigation of the warehouse as it shares a common wall with the restaurant. It would be more efficient to take everything down at the same time, but the owner of the building would have to speak to the current tenants. There might be a delay despite wanting to begin the process as soon as possible.

Councilmember Jensen asked if the developers plan to develop the location.

Mayor Daines responded it is merely the early stages of discussion and planning and nothing further has been determined at this time.

The proposed resolution will be an action item and public hearing at the February 2, 2021, Council meeting.

**ADJOURNED.** There being no further business to come before the Logan Redevelopment Agency, the meeting adjourned at 7:26 pm.

Eslí Morales, Deputy City Recorder