

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, April 15, 2008 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, Chairman Tami W. Pyfer conducting.

Council members present: Tami W. Pyfer, Laraine Swenson, Herm Olsen, Stephen C. Thompson and Jay A. Monson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and Recorder Lois Price.

OPENING CEREMONY. Pastor Paul Hines of the First Presbyterian Church gave a thought and offered a prayer. Council Chair Tami Pyfer led the audience in the Pledge of Allegiance.

Chairman Pyfer welcomed those present. There were about eighty citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Municipal Council meeting of April 1, 2008 were approved.

Meeting Agenda. The agenda was approved as posted. Chairman Pyfer announced public comment would be accepted later in the meeting on budget adjustments. She said later in the meeting there would be a staff presentation on the parking strip issue but no public comment would be taken. A special public hearing would be held on a date yet to be decided.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL. There were no comments from the audience.

MAYOR/STAFF REPORTS.

Environmental Department Award. Mayor Watts and Environmental Director Issa Hamud announced that the Environmental Department had received several annual awards, including an Award of Excellence. The following Environmental employees were recognized: Lynn Miller, Permits & Compliance Manager as Outstanding Supervisor; Lynn Miller, Jim Harps, Kyle Baird and Brad Jones for Outstanding Pretreatment Division; and Tim Lindsey for Outstanding Discharge Lagoon System.

Mayor Watts and the Council thanked the Environmental Department employees for their excellent service.

COUNCIL BUSINESS. Meeting Schedule. Chairman Pyfer announced that regular Council meetings were held the first and third Tuesdays of the month at 5:30 p.m. in the Council Chambers at 255 North Main. The next regular meeting is Tuesday, May 6, 2008.

Chairman Pyfer said a joint meeting of the City and County Councils would be held April 29 at 5:30 p.m. in the Justice Building meeting room at 290 North 100 West. The main topic of discussion would be a countywide library system.

The Council agreed to hold a special meeting on April 29, 2008, at 6:30 p.m. in the Council Chambers to hear public comment on the city's proposed enforcement of no parking in the city parking strip.. The administration would present a proposal later in the meeting. The goal was to have a document ready for action at the May 6 Council meeting so that enforcement could begin.

Councilmember Thompson said he would be more comfortable if action was taken at the May 20 meeting.

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG): Consideration of a resolution adopting the CDBG one-year action plan – 08-18.

Chairman Pfyer opened the meeting to consideration of CDBG Funding for the 2008-09 program year. The CDBG Steering Committee recommended the following projects for funding:

- *Emergency shelter, and support chapter office* – American Red Cross - \$20,000
- *Domestic violence support services* – Citizens Against Physical and Sexual Abuse - \$10,000
- *Language education program* – English Language Center - \$10,000
- *Install smoke & carbon monoxide detectors in LMI households* – Fire Department - \$1,000
- *Eye exams and glasses for needy students* – Logan Schools Foundation - \$3,000
- *Purchase a lot for rental housing construction* – Neighborhood Non-profit Housing Corp./ Cache Valley Veterans Assoc. - \$80,000
- *Construct an office building* – Neighborhood Non-profit Housing Corp./Habitat for Humanity - \$40,000
- *Business Development Fund* – City of Logan Economic Development - \$150,000
- *Purchase three four-units for transitional housing* – Citizens Against Physical and Sexual Abuse - \$90,000
- *Streetscape improvements to the Emporium Block* – City of Logan Community Development - \$50,000
- *New Vehicle for Meals-on-Wheels* – Cache County Senior Citizen Center - \$10,000
- *Repair parking lot, entryways, and accessibility upgrades* – Whittier Community Center - \$3,818

Councilmember Monson said he appreciated the work of the CDBG Steering Committee. He supporting having a councilmember on the committee in the future and expressed concerns about programs that had received funding in the past and would receive no money this year. He suggested that the City's Economic Development funding be reduced so that Bridgerland Literacy, the Multicultural Center and the Boys & Girls Club could receive some financial support. He said he would feel better about the recommendations with this "slight tweaking of the budget." His suggestion was \$2,000 to each organization.

Councilmember Olsen supported Steering Committee recommendations but said he would increase the funding to \$6,000 for Bridgerland Literacy; \$3,000 for the

Multicultural Center; and \$2,000 for the Boys & Girls Club projects. He asked what the impact of these changes would be to the city.

Councilmember Swenson said she would like to see an allocation to the After School Clubs operated by the Parks and Recreation Department but recognized how difficult these types of funding decisions were. She agreed to support the Council if they wished to adjust the funding but said she thought it would be “hard to pick and choose.”

Community Development Director Jay Nielson said the Council was free to make the adjustments, and a reduction to the Economic Development amount would be acceptable. He said, “It is really a decision for you to make. We have been given this money to administer as you see fit but understand that to appropriate to the city’s Business Development Fund is not a selfish thing.”

Kirk Jensen, Economic Development Director, said the Business Development Fund would be a great tool for downtown. He said proponents of four good projects were ready to apply. He said the city’s CDBG application was written broadly because we did not know the kind of applications we might get. Applications would be reviewed first by a screening committee, then by the Economic Development Committee. Mr. Jensen reminded the Council that funding provided for downtown projects had a ripple effect but final approval of CDBG allocations was the Council’s decision.

ACTION. Motion by Councilmember Monson to approve the CDBG One-Year Action Plan with a reduction to the Business Development Fund of \$15,000 (from \$150,000 to \$135,000), to be allocated as follows:

- *Programming for Teen Program – Boys & Girls Club - \$2,000*
- *Pre-GED Literacy Program – Bridgerland Literacy - \$6,000*
- *After School program at elementary schools – Multicultural Center - \$3,000*
- *Education & recreation program - Parks & Recreation After School Program - \$4,000*

The foregoing motion was seconded by Councilmember Olsen.

Councilmember Pyfer disclosed that she was a former member of Board of Directors of The Boys & Girls Club and former Director of the Logan School Foundation.

Councilmember Monson disclosed that his wife was a past director of Bridgerland Literacy, and he had served as a volunteer tutor.

Vote on the motion carried unanimously. Chairman Pyfer gave special thanks to the CDBG Steering Committee. Councilmember Olsen said he understood the committee felt they were obligated to fund previously unfunded objectives. He agreed the committee had done an excellent job.

The Council agreed that Tami Pyfer would serve as next year’s representative on the CDBG Steering Committee.

PUBLIC HEARING – Budget Adjustments F/Y 2007-08 appropriating: \$14,182 for the CCEMS EMS Grant; \$55,000 for higher than expected commercial connection fees; \$4,613 for insurance rebate; \$6,311 for the bullet proof vest grant; \$62,651 for Business Improvement District (BID) #2; \$138,461 for the Northwest Park Grant; \$18,461 for the City’s match on the Northwest Park Grant – 08-20

Tyson Griffin, Budget Specialist, reviewed the proposed changes to the budget. Chairman Pyfer opened the meeting to a public hearing.

Councilmember Swenson said her concerns about the \$55,000 for commercial light and power meters had been addressed.

There were questions about the appropriation for the City’s portion of downtown Business and Improvement District #2 construction costs. The Council wondered why cemetery capital projects was designated as an expense account. Mr. Griffin said he did not know. The Council agreed to proceed and find out from Finance Director Rich Anderson at the next meeting why cemetery budget accounts were involved.

Chairman Pyfer opened the meeting to a public hearing. There was no comment and the hearing was closed.

ACTION. Motion by Councilmember Swenson, seconded by Councilmember Monson to approve Res. 08-20, Budget Adjustments, as presented. Motion carried unanimously.

City’s Articles of Incorporation – Consideration of a resolution amending the City’s Articles of Incorporation due to a recent annexation – 08-21

The City was required by state law to amend its Articles of Incorporation, a legal description of the city’s boundaries, following each annexation. The resolution before the Council reflected the boundary change due to the Daniel C. Russell property annexation.

ACTION. Motion by Councilmember Thompson, seconded by Councilmember Swenson to approve Res. 08-21, City’s Articles of Incorporation, as presented. Motion carried unanimously.

UDOT Corridor Agreement for SR252 (1000 West) – Consideration of a resolution authorizing execution of a corridor agreement on SR252 (1000 West) with Utah Department of Transportation - 08-22

Public Works Director Mark Nielsen answered Council questions about how the Utah Department of Transportation would proceed with improvements to 1000 West. He said \$40 million was appropriated for the project; that semaphores at 1400 North and 1000 North were warranted and would be part of the project. UDOT had not yet determined a cross-section and layout of the road.

Mr. Nielsen said he had asked UDOT representatives about the possibility of constructing a vehicle overpass on 1000 West in response to Councilmember Swenson's question at the last Council meeting. He said UDOT's practice was that overpasses were only constructed on Interstate roads.

Councilmember Swenson asked whether UDOT provided for public comment on the corridor agreement. Mr. Nielsen said UDOT considered this traffic transportation design that did not require public comment.

Councilmember Swenson was concerned about the issue of 1000 West as a bypass road and what plans were for an alternate route south of 200 North on 1000 West. Mark Nielsen said the Cache Metropolitan Planning Organization (CMPO) had designated 1400 West North through the valley as a bypass with connections to be determined. He said rights-of-way were being preserved now, but it would not be a limited access interstate road. Councilmember Swenson wanted to make the proposal of the 1400 West bypass a priority, keeping the issue before the CMPO so that the project would be studied and funded. She stressed the importance of planning for a future western bypass and said a plan/solution could and should be submitted to the CMPO by the City.

Mr. Nielsen said CMPO updated its long range transportation plan every five years and getting a project on that plan would be the way to "get your vision of the bypass."

Councilmember Swenson wanted the city to work with CMPO on this issue. "Someone needs to be the driver on this," she said.

Councilmember Olsen supported the need to plan for the future to address transportation issues.

Councilmember Swenson asked that Mr. Nielsen bring the Council ideas of what the city could do to partner with CMPO on a western bypass. Mr. Nielsen agreed to follow-up with discussion during upcoming budget workshops.

WORKSHOP ITEMS:

RIGHT-OF-WAY PARKING.

City Attorney Kymber Housley said authority was given to the city under state law to regulate public street rights-of-way. Enabling legislation in Section 10-8-11, Utah Code Annotated regulated the use of streets. Section 78B-2-216, Utah Code Annotated, prevented acquiring of public street rights-of-way through adverse possession.

Attorney Housley said the city appreciated the argument by some citizens that installing bridges in the public right-of-way to accommodate parking had been

encouraged by the city in the past to provide for student housing, but this did not mean an adjoining property owner had any rights to the property. Attorney Housley said city needs had changed, and it was now necessary to reclaim city park strips.

Attorney Housley explained there were city ordinances making it illegal to park in the park strip. He said there was an ordinance that had been in place since 1998 (Chapter 12.030 of the Logan Municipal Code) that enabled the Mayor to make exceptions to overnight parking by issuing permits. He said, as a compromise, this tool could be used for those situations where it was physically impossible for property owners to provide onsite parking for legal units.

Community Development Director Jay Nielsen presented the city's parking implementation proposal:

1. Single family residential areas would be the priority to improve neighborhoods and encourage families to live there. Multi-family, commercial and industrial areas would follow at a later date.

2. A residential parking survey had been completed, and the city's intent was to target the streets with the greatest occurrence of park strip parking. The survey found 831 parking spaces in residential city rights-of-way. The most serious street had 35 cars in the park strip (both sides of the block). Average was six cars per residential block.

3. It was proposed to begin parking enforcement May 1 on priority streets; estimated completion time was six months.

4. Parking enforcement would continue city-wide on a complaint basis, as presently occurred.

5. Property owners to remove bridges and restore landscape and curbs on their own, with the city offering some assistance.

6. Parking permits would be offered to allow a reasonable number, i.e., an estimated 24 cars (per block, both sides of the street) to park parallel on the street. People would be encouraged to find parking solutions on their own property.

7. Parking permits would be offered with the conditions.

- *Property owner to remove bridges and restore curb and landscape at their expense;

- *Property owner to purchase annual permits for parking, with fees collected to be used for sidewalks/restoration to improve neighborhoods. Estimated permit cost per car was \$200 annually.

- *Properties to be for legally established units and number of permits allowed would be based on legal occupancy.

- *Permits limited to parking within area where property was located.

8. Streamlined approvals for new parking on properties. If ordinances were met and parking was in legal locations, approval could be given by staff. Otherwise, Planning Commission approval would be needed.

9. City would haul away and dispose of concrete bridges, especially during this summer season, at no cost to property owners.

10. Remainder of restoration would occur as ongoing maintenance of the streets occurred.

Mr. Nielson concluded the formal presentation: “That’s the proposal.”

The possibility of changing setbacks to allow additional parking on private property was discussed. Mr. Nielson said this was a possibility the Council could address.

Chairman Pyfer suggested that the city offer small incentives in the form of matching grants up to \$500 per application, to help property owners with parking and restoration costs on a first come-first served basis. She proposed allocating a total of \$50,000, possibly from fund balance.

Councilmember Monson asked if each case would be considered individually. Mr. Nielson confirmed that would be the process.

Councilmember Swenson supported the idea that all permits be issued this year with no new properties added next year so that parking problems would decrease.

One of the questions given to Chairman Pyfer after the bus tour was what property owners would be allowed to put or use in park strip restoration. Mr. Nielson responded that city ordinance required living plant material in park strips. He said water-wise landscaping solutions for park strips were available on the website. Paving the park strip was not permitted.

Another question was who would bear the cost of curb and gutter repair after removal of bridges. Mr. Nielson said property owners would bear the cost of repairing or replacing curb after bridges were removed.

Councilmember Swenson wanted any vehicle parking allowed in residential side yard setbacks to be by temporary permit. She did not want to set a precedent. “We should recognize that it is an exception and that it is not something that is citywide,” she said.

Councilmember Pyfer favored changing side yard setback requirements.

Attorney Housley said either way would require a code change. He said it should be understood that a change in the law to allow parking in the setback would apply to everyone, not just those properties needing to remove parking from a park strip.

Councilmember Thompson said the objective seemed to be to return rental properties to single family use. “How can you do that if you don’t allow a place to park? You are handicapping property owners by not allowing parking flexibility.” He expressed concern about a parking permit program. “This is a very slippery slope. . . . Now you have a tremendous cost to administer a program . . . There are a lot of ramifications to what you are proposing, and I am not sure I am comfortable with some of it.” Thompson continued, “You have totally neglected single family property owners, not all are renters—what’s the cost to them?”

Councilmember Swenson acknowledged there was a cost to property owners but that everything the city did incurred costs to someone. She applauded the city for addressing the parking strip issue. “I think the administration and staff have brought us a workable solution, and I would like to see this move forward.” She said the problem would become unmanageable if it was left longer.

Attorney Housley reiterated that the permit fees would make the process more equitable. He said property owners who could not provide parking on their own property should not have free on-street parking. The funds received from permits would be returned to neighborhoods for sidewalk and curb repair. He said landlords might have to increase rental rates, but this was a cost of doing business and the city could not be expected to bear those costs. “We are asking people to respect the city’s property and not use it for their personal use. We’re willing to make accommodations to lessen the blow, but that’s really what this is about,” Attorney Housley said.

Mr. Nielson estimated that close to fifty percent of property owners using the park strip for parking could provide legal parking on their own property.

Councilmember Monson said the city’s plan was good and allowed for exceptions. He supported a permit fee, and appreciated that the city was willing to look at each property individually. He said he wasn’t sure about the \$200 charge but supported some fee. “There are a lot of worries that may be unfounded . . . We have to start where we are today (to make Logan more beautiful and safe) and work on improvements,” he said.

Councilmember Olsen asked about a time frame on the permit application process. Mr. Nielson responded that we would start with a targeted street and proceed from there. He believed parking on the park strip could be removed from single family neighborhoods in six months. This would not be full restoration of parking strips. Based on what the council decided, the implementation program could be modified.

Chairman Pyfer did not want restriction to one neighborhood. Mr. Nielson said projects would be taken as property owners came forward.

Attorney Housley suggested the city could issue parking permits based on written agreements to complete park strip improvements.

Mr. Nielson planned to have the permitting process refined for the Council in two weeks.

Chairman Pyfer offered Councilmember Thompson time to speak about the “areas he was uncomfortable with.” He said he would wait to hear from the public, but it appeared to him that “the Council has made up their mind and our meeting on the 29th is moot and perfunctory.”

Chairman Pyfer said that was not the case, and the public comments would be heard and considered. She explained rules that would be in place for that hearing which she expected to last about 1-1/2 hours.

Mayor Watts was asked to comment, and he supported the program. He pointed out that moving forward with the parking implementation plan would improve property values. He said it was time to control and monitor this city property. He said he had “felt the strength of the Council to move forward . . . When I ran for this office I said we would clean up what had not been addressed for a long time. . . The park strip is one of those issues.” The Mayor understood there were those who disagreed but felt that protecting the parking strip would increase people’s pride in property and increase property values.

ZONE CHANGE – Daniel Matthews/Ephraim Hoge, authorized agent/owner, requests a zone change to Commercial General (CG) on .23 acres located at 1073 North 200 East in the Single-Family Residential (SFR) zone; TIN#05-015-0035.

Planner Tavis Austin explained the proposed rezone of one lot to Commercial General had been recommended for denial by both the planning staff and the Planning Commission. He said the Land Use Plan zoned the entire block was Commercial, but rezoning at this time was discouraged until the new Land Development Code was adopted. He projected it would be in place by the end of this calendar year or early 2009.

Staff Report to the Planning Commission of April 10, 2008 read: “Staff believes that the quality of development endeavored by the General Plan cannot be fulfilled under current development standards and that zoning changes should be held until the supporting documents of the General Plan are completed and adopted.”

Chairman Pyfer set the public hearing on the requested zone change for the May 6 agenda.

Budget Adjustments F/Y 2007-08 appropriating: \$300 for a donation from USU; \$8,000 for Police Dept software; \$5,000 for additional 21st Century Grant money;

\$7,200 for crosswalk enforcement grant; \$12,386 for Library Enhancement grant – 08-23

Budget Specialist Tyson Griffin reviewed changes to the budget. Chairman Pyfer set the adjustments for public hearing on May 6.

OTHER CONSIDERATIONS. Chairman Pyfer announced that a public hearing on the right-of-way parking issue would be held April 29, 2008 at 6:30 p.m. in the Council Chambers.

There being no further business to come before the Council, meeting adjourned at 7:25 p.m.

Lois Price, City Recorder