

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, January 15, 2008 at 6:15 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 Corinne Thul, Prince of Peace Lutheran Church, offered an opening prayer. Boy Scout Jared Skabelund led the audience in the pledge of allegiance.

Chairman Pyfer welcomed those present. There were about 35 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting of January 8, 2008 were approved.

**Meeting Agenda.** The agenda was approved. The council agreed to allow approximately ten minutes for public comment on the overnight parking ordinance.

**QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.** There were no questions or comments.

**PAUL HOTH.** Mr. Hoth distributed copies of a letter to the Council and Mayor. Paul and Bonnie Hoth requested that the city “*develop a Strategy Action Plan specifying how the City of Logan will achieve the mandated EPA National Ambient Air Quality Standards.*” The letter stated, in part: “*With a concentrated, dedicated approach, we feel sustainable Air Quality for Cache Valley is attainable. Our vision of achieving this essential goal is one of significant effort by a team of experts from around the country, consisting of policy makers and various disciplines of scientists to perform scientific research collect and analyze additional data. Obviously, this type of approach will take significant funding; therefore, federal and state government grants should be sought, along with ways to generate other fees to pay for the research, evaluation and implementation. Once the Air Quality problem is resolved, funding most likely can be reduced to a lower sustainable level.*”

#### **MAYOR/STAFF REPORTS.**

**BOARD APPOINTMENTS.** Mayor Watts requested ratification of the appointment of Cindy Roberts to a term on the Fine Arts Committee. He also requested reappointment of Gar Walton to a term on the Logan-Cache Airport Authority Board.

**ACTION.** Motion by Councilmember Monson, seconded by Councilmember Thompson to ratify the Mayor's appointment of Cindy Roberts to the Fine Arts Committee. Motion carried unanimously.

Motion by Councilmember Swenson, seconded by Councilmember Thompson to reappoint Gar Walton to the Logan-Cache Airport Authority Board. Motion carried unanimously.

**EMPLOYEE WELLNESS PROGRAM.** Mayor Watts reported to the Council that city recreation facilities may be used, free of charge, by city employees who participate in the Health Management Program.

**BRIDGERLAND LITERACY.** Mayor Watts said he had signed a proclamation declaring the month of January "Literacy Awareness Month" in the City. Danielle Bird, Bridgerland Literacy Director, read the proclamation and announced that the Literacy Scramble, a fundraiser, was set for Friday, January 18.

**COUNCIL BUSINESS. Meeting Schedule.** Chairman Pyfer announced that regular Council meetings were held the first and third Tuesdays in the Council Chambers at 255 North Main. A time change to 5:30 p.m. was up for consideration later in the meeting. The next regular meeting is Tuesday, February 5, 2008.

**City-County Joint Meeting.** Chairman Pyfer confirmed a joint meeting of the city and county councils would be held Tuesday, January 29, 2008 at 5:30 p.m. in the Logan Justice Building meeting room, 290 North 100 West. Items proposed for the agenda were: (1) Zoo RAPZ Tax change; (2) County Road Tax; (3) "Envision Utah"; (4) Emissions Testing. Chairman Pyfer asked if there were other items Councilmembers wished to discuss.

Councilmember Monson wanted to discuss the idea of a county-wide library. Chairman Pyfer said this issue had been discussed and change attempted multiple times, most recently within the past year when a joint study committee of elected officials was formed. Councilmember Olsen said there might be some willingness to revisit the idea because of changes to state law regarding library eligibility for state and federal grants. Mayor Watts said he could mention the idea again at Mayor's Association meeting. Councilmember Pyfer said "the best outcome we can hope for would be a joint study committee."

Councilmember Thompson said he would like to schedule a report on the 911 dispatch center at a future joint meeting. Councilmember Pyfer agreed to do this.

## **ACTION ITEMS.**

**ELECTRONIC MESSAGE CENTERS/READER BOARDS: Consideration of an ordinance establishing a temporary zoning regulation prohibiting electronic message centers/reader board signs for a period of six months – 08-03.**

Community Development Director Jay Nielson was present to answer questions about the proposed moratorium which would allow time to draft new regulations to manage electronic message center/reader boards.

Councilmember Thompson thought a three-month moratorium was adequate. Mr. Nielson preferred six months to allow time for staff research and the public information process. This would include time for consideration of the new code by the Planning Commission.

A YESCO sign company representative said he was willing to assist staff by providing information.

Shortening the time of the moratorium was discussed. It was the consensus of the Council to change the moratorium from six months from the effective date of the ordinance to five months.

**ACTION.** Motion by Councilmember Monson, seconded by Councilmember Thompson to amend Ord. 08-03 to set a five-month moratorium on any permitting or installation of Electronic Signs/Reader Boards. Motion carried unanimously.

Motion by Councilmember Monson, seconded by Councilmember Olsen to adopt Ord. 08-03, Electronic Signs/Reader Boards, as amended. Motion carried unanimously.

**OVERNIGHT PARKING PROHIBITIONS. Consideration of an ordinance regarding street maintenance and overnight parking prohibitions – 08-02**

The purpose of the discussion was to determine whether the newly revised (December 18, 2007) overnight parking ordinance should be changed. This law prohibited parking a vehicle on any residential street “after any snow accumulation until 48 hours after the end of such accumulation.”

The ordinance. revision before the Council reverted to the old law that prohibited parking on any street between the hours of 1 a.m. and 5 a.m. from November 15 thru the last day of February.

Councilmember Olsen said he had talked to at least 50 people about the change, and they supported going back to the old ordinance. He said “with unanimity, without exception, people preferred the other ordinance. They understood it and could count on it.” One person said it was not just a snow issue, but a parking issue. He had received some input suggesting alternate sides of the street parking. Councilmember Olsen suggested repealing the 48-hour law and reverting back to ticketing from 1 a.m. to 5 a.m. during winter months. He said the city should discuss the parking problem in depth at a later time.

There was discussion about the problems caused by long-term on-street parking in residential areas of recreational vehicles, boats. It was pointed out there is a law prohibiting parking on the street longer than 21 hours. Enforcement is by complaint.

Mayor Watts said extending the winter parking prohibition to 6:00 or 7:00 a.m. would help with garbage pickup.

Chairman Pyfer said her main concern was ticketing for overnight parking when there was no snow.

Police Chief Roper said the enforcement practice could be if it was snowing or there was snow on the road, including packed snow, the law would be enforced. Attorney Housley recommended setting a time during which enforcement would be done. He said having a “practice” of not ticketing when there was no snow on the ground was “problematic.”

Councilmember Olsen urged the Council to go back to the prior ordinance and address related parking issues at a future time.

Chairman Pyfer allowed limited public comment.

Chris Barney, ASUSU, presented a letter signed by ASUSU officers supporting an ordinance change that allowed parking on the street during daytime hours, regardless of road conditions. Students recognized that cars would be required to move off the street during early morning hours when snow removal was necessary but asked that “night parking restrictions not be enforced when there is no snow to be removed.”

Steven Taylor said the Council had made a hasty decision in changing the ordinance last month. He suggested eliminating “November 15 to the last day of February” and state the prohibition existed only when it snowed. He objected to ticketing when roads were dry.

Tanner, representing the city’s parking authority, asked that the Council go back to the old ordinance. He said ticketing even when there was no snow reminded people that the prohibition was in effect. He said the new law was hard to understand and made his job “extremely difficult.” He said trying the idea of parking on alternate sides of the street would be best next winter. He did not think changing the law in the middle of winter was a good idea. Tanner confirmed that the 21 hour on-street parking restriction was enforced on complaint.

Jed Al-Imari, City Streets Manager, supported the old ordinance. He was not in favor of parking on alternate sides of the street. He asked that the time limit stated in the old ordinance be extended since it would make snow removal easier. His concern was getting the roads clear and extending the hours would be the best benefit.

**ACTION.** Motion by Councilmember Olsen to rescind the ordinance adopted December 18, 2007 and adopt Ord. 08-02, Street Maintenance and Overnight Parking Prohibitions.” Motion seconded by Councilmember Swenson.

Councilmember Swenson asked that the ordinance be amended to prohibit on-street parking “between the hours of 1:00 a.m. and 6:00 a.m.” during the months stated.

Councilmember Olsen accepted the amendment.

Chairman Pyfer reiterated her objection to ticketing when roads were dry. She said she would support the motion but wanted to discuss further the overall issue of parking.

Vote on the motion was called for and carried unanimously.

A decision was made to add “Parking” to the Council’s In-Progress list.

**COUNCIL MEETING TIME. Consideration of an ordinance changing the time of regular council meetings to 5:30 p.m. on the first and third Tuesdays of the month – 08-01**

An ordinance proposing to change the starting time of regularly scheduled Council meetings from 6:15 p.m. to 5:30 p.m. was proposed for adoption. Councilmember Olsen had received several comments supporting the change. Some citizens felt an earlier meeting time could allow participation in other evening activities.

**ACTION.** Motion by Councilmember Olsen, seconded by Councilmember Monson to adopt Ord. 08-01, Change in Council Meeting Time, as presented. Motion carried unanimously.

**WORKSHOP ITEMS.**

**Budget Adjustment F/Y 2007-08 appropriating: \$3,000 for Library Services and Technology Act (LSTA) Grant – 08-04.**

Finance Director Richard Anderson explained unanticipated grants funded by outside agencies required adjustments to the budget prior to fund expenditure. The LSTA grant was for library supplies.

Public hearing was set for February 5, 2008.

**Financing of open space (Code Section 2.02.420(D): Ordinance adopted 2005).**

Chairman Pyfer wanted the Council to reconsider Ord. 05-44, a budget ordinance enacted to establish a fund reserve (not to exceed \$500,000) for incremental sales tax in the South Main Redevelopment Project Area dedicated to preserving open space. The

ordinance established a base line for sales tax generated and required the mayor to include the fund reserve as part of his annual tentative budget.

Attorney Housley's view was that the ordinance regulated the executive officer. He said the Council should consider funding for open space along with other budget priorities.

Finance Director Rich Anderson said the ordinance was "problematic" for calculation purposes. He preferred something straight forward and said a resolution would provide flexibility. He said the Mayor considered Council priorities when putting together his annual budget, and mandating a reserve fund of this type "robs from programs we are currently providing." He specifically mentioned the capital improvement project plan. "We know the CIP is a never-ending pit of despair," he said.

Councilmember Pyfer said she would like the Council to consider all priorities in its budget decisions. She did not support each councilmember bringing an ordinance forward to get something funded. She wanted the ordinance repealed.

Mr. Anderson estimated that it would be two fiscal years before the ordinance was funded.

There was discussion about the definition of "open space." Community Development Director Jay Nielson supported the intent of the ordinance. He said open space preservation was a valley-wide issue, especially on the gateway corridor to the south. He spoke about the importance of working with other communities. Councilmember Olsen said corridor preservation was an important countywide issue and should be discussed with the county at a joint meeting. Councilmember Thompson said the "Envision Utah" process would help address the issue.

Councilmember Swenson said "critical lands" was now the politically correct term rather than "open space." She served on the State Quality Growth Commission, and the issue of corridor preservation was very important to her. Swenson said the County had chosen not to put this issue to a vote of the people. She had authored the city ordinance in the hope of getting funds for future land purchase when "big box" commercial development took place in the South Main RDA. She said accessing state funds for land purchases of this type required local match and building a fund reserve was a necessity. She considered land purchase an infrastructure need to keep the feel of a rural area along gateway corridors. Swenson said she would not push the issue any longer because she thought it was "almost too late to do anything about it." "This way (building a reserve fund) is wisdom," Swenson said, "It is the way to do something." She said if there was Council consensus to repeal the ordinance, "That's the way it will go."

Councilmember Thompson said an appropriation could be made year-to-year.

Councilmember Swenson said a revenue stream was needed, and she had hoped a fund reserve of \$250,000 could be used to leverage \$1 million annually. She said it could

be part of our capital improvement plan. An ordinance, she said, insured the money would be allocated, while a Council resolution could be easily ignored.

Jay Nielson pointed out that dialogue should take place with cities, not the county, since Logan had recently annexed half of the southern corridor. “We need to get some vehicle in place to preserve land before development interests come to us wanting to know what they can do there. . . We need to have a plan in place.” He said the ordinance might not be the right vehicle but something was needed. “If we don’t do it right, we will be following the path the north highway has done,” he said.

Chairman Pyfer suggested this issue, along with other council priorities, be discussed at spring budget workshops. She did not support putting land purchase ahead of other priorities.

Chairman Pyfer said repealing the 2005 ordinance would be on the February 5 agenda for consideration.

### **1000 West Road Trade with Utah Department of Transportation (UDOT) – Status Report.**

A jurisdictional transfer to UDOT of roads within the City had taken place within the past few months. 1000 West was one of the roads transferred to the state. Residents of the neighborhood were concerned about rumors of road reconstruction, and Chairman Pyfer had asked for a status report. Chairman Pyfer recognized citizens in the audience and said she would allow limited public comment.

Public Works Director Mark Nielsen introduced Brad Humphreys from UDOT. Mr. Humphreys said the process was just beginning on 1000 West, and a consultant had been selected to perform the design work and environmental study. Mr. Humphreys said there was not much information available now on the project scope but an interim public relations person had been appointed and contracts on both the 400 North and 1000 West project would be in place by the end of January. The public process would then begin. Mr. Humphreys said concepts that had been explored for the 1000 West project were three traffic lanes and warrants for new signals. He said after the contract with the consulting firm was signed, a citizen committee would be organized. He said the consultant would be on a fourteen-month schedule for the 1000 West project.

Councilmember Monson said we should be planning for a bypass road further west that avoided schools and residential neighborhoods.

Mr. Humphreys said the City could plan for another bypass, but his job was to move plans forward on 1000 West after decisions were made. “Right now we’ve made the jurisdictional transfer and are trying to improve the safety and efficiency of that road (1000 West).”

Chairman Pyfer said there would be made many future opportunities for public input on this issue, but she would open the meeting to brief comments from the audience.

Lisa Perez, 872 West 330 South, mentioned three concerns in planning modifications to 1000 West: (1) Children's safety should be given first priority; (2) Respect to private property when consideration right-of-way access plans; (3) Planning for alternative Woodruff School accesses should be done by the City.

Brent Hale said traffic would increase and more houses would be built along 1000 West if it was improved. He said limited access was a priority or the road would not be a viable bypass.

Paul Hoth said there may be a significant public health problem associated with the project. He said this should be addressed with a health risk assessment.

Brad Humphreys said the plan did designate a five-lane highway, but funding of \$40 million would not build that project. He said right now, UDOT was contemplating maintaining three lanes and improving intersections.

Councilmember Monson asked if UDOT had any suggestions for bypass roads for cities like Logan. Mr. Humphreys said the CMPO handled that kind of base planning.

#### **OTHER CONSIDERATIONS.**

**National League of Cities.** Councilmember Thompson said he was interested in attending the National League of Cities Conference held in Washington D.C. in March. Chairman Pyfer said she would check the budget for funding.

**Jay Larsen.** Councilmember Thompson suggested the Council commend Light and Power Director Jay Larsen on his retirement from the city with 33 years of service.

**ACTION.** Motion by Councilmember Monson, seconded by Councilmember Thompson to extend an official commendation to Jay Larsen for his service to the city. Motion carried unanimously.

Mayor Watts said there would be an open house honoring Mr. Larsen on Thursday, January 31.

There being no further business to come before the Council, meeting adjourned at 8:30 p.m.

Lois Price, City Recorder