

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 1, 2008 at 5:40 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, Vice Chair Laraine Swenson conducting.

Council members present: Tami W. Pyfer (arrived 6 p.m.), 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.** Councilmember Swenson gave several quotes about patriotism and offered a prayer. She then led the audience in the Pledge of Allegiance.

Vice Chair Swenson said she would conduct the meeting until Chairman Pyfer arrived. She welcomed those present. There were about twenty-seven citizens in the audience at the beginning of the meeting. She said the meeting was a little late starting because the Council was returning from a tour of a home at 354 North 300 East purchased by Neighborhood Nonprofit Housing Corp. for conversion from duplex to single family dwelling.

**Meeting Minutes.** Minutes of the meetings of June 17, 2008 were approved with minor corrections. Minutes of the RDA meeting of June 17, 2008 were approved.

**Meeting Agenda.** The meeting agenda was approved.

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

**STEVEN BOWER.** On behalf of the Summerfest Art Fair Board of Trustees, Mr. Bower thanked the city and city employees for their contributions to a successful Summerfest event. He presented a plaque to the Mayor in recognition of the city's continued support. He also presented signed prints of the artwork of Joseph Alleman that was used for this year's Summerfest poster.

The Council and Mayor thanked Mr. Bower for his hard work as director of this year's Summerfest event.

**GARY JOY.** Mr. Joy said there were some citizens, including himself, who were disappointed that the Main Street fountains had been removed from the front of City Hall and replaced with flower plantings. He said the flowers were beautiful and he was aware that the fountain equipment needed repair, but the refreshing water feature would be missed. He urged the Mayor to locate a place for a public water feature somewhere in the city.

Councilmember Monson agreed with Mr. Joy and would like to have seen the fountains repaired since it was a special addition to Main Street.

**ASUSU REPRESENTATIVE.** Jackson Olsen introduced himself as the new ASUSU Executive Vice President in charge of local government relations. He asked

that the city keep the students in mind as decisions were made that affected them. He said there were 16,000 students with needs and concerns including parking and transportation issues.

## **MAYOR/STAFF REPORTS.**

**BOARD APPOINTMENTS.** Mayor Watts requested ratification of the reappointment of John Kerr to the Planning Commission. He also requested reappointment of Keith Mott and David Lewis to the Historic Preservation Committee.

Councilmember Monson asked how long board members usually served. Attorney Housley responded that there were no board term limits Mayor Watts said John Kerr had served for several years and his expertise was important..

There was Council consensus to add “Board Term Limits” to the Council’s “In Progress” list.

**ACTION.** Motion by Councilmember Monson, seconded by Councilmember Olsen to ratify the Mayor’s appointments of John Kerr, Keith Mott and David Lewis as proposed by Mayor Watts. Motion carried 4-0 (Pyfer absent).

**JULY 3<sup>rd</sup> FIREWORKS CELEBRATION.** Mayor Watts invited councilmembers and citizens to attend the city’s traditional Independence Day fireworks celebration on Thursday, July 3 at USU Romney Stadium.

**RECREATION AND PARKS MONTH.** Mayor Watts said he had proclaimed the month of July as Recreation and Parks Month. Parks and Recreation Director Russ Akina introduced Elaine Seeholzer, of the Parks and Recreation Board. She reported on the enrollment in various summer Parks and Recreation programs

Chairman Pyfer arrived at 6 p.m. and Vice Chair Swenson turned conducting of the meeting over to her.

## **COUNCIL BUSINESS:**

**AUDIT COMMITTEE.** Finance Director Richard Anderson suggested, after receiving input from the city’s external auditors, that changes be made to the Council’s Audit Committee. He recommended that Curtis Broadbent be appointed as Chair of the committee.

**ACTION.** Motion by Councilmember Monson, seconded by Councilmember Swenson to appoint Curtis Broadbent as Chair of the Audit Committee. Motion carried unanimously.

**ACTION ITEM:** There were no Action Items for this meeting.

## **WORKSHOP ITEMS:**

### **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: (1) Amendment No. 1 to 2008-09 Annual Action Plan – 08-43; and (2) Amendment No. 1 to 2007-08 Annual Action Plan - 08-44**

Community Development Block Grant Coordinator Gay Jamieson reviewed the two resolutions amending Logan's CDBG Annual Action Plan. She explained that the 2008-09 Annual Action Plan was approved April 15. Two changes were proposed: (1) Approving the \$90,000 CAPSA project to construct two single family units for transitional housing rather than purchasing existing buildings; (2) Adding \$116,919 for Logan City Community Development program administration expenses.

Ms. Jamieson continued that the amendment to the 2007-08 Annual Action Plan proposed the de-obligation of \$200,000 from Logan Public Works Department's Neighborhood Revitalization activity and re-obligation of these funds to Neighborhood Sidewalks Restoration in the same city department. She said the "Sidewalk Restoration" project that would improve 59 streets had a broader perspective and would have wider impact than the "Revitalization" project where two city blocks were earmarked for improvements.

Councilmember Thompson asked if the funding was opened to other groups. Ms. Jamieson said it was not since funding remained within the city Public Works Department. Similar to the CAPSA proposal previously described, only the project changed.

Minor text amendments were made to the Annual Action Plan to align with the above changes. Ms. Jamieson said copies of the complete Annual Action Plan were available for Council review.

Public hearing on the Amendments to the Annual Action Plan would be held July 15, 2008.

### **COMCAST—Cable Television Franchise Agreement.**

City Attorney Kymber Housley explained the prior cable franchise agreement expired several years ago. The agreement before the Council contained no substantive changes. He said the intent of franchise agreements was to regulate competition. Comcast was presently the only cable television provider in the community.

Assistant City Attorney Lee Edwards had reviewed the agreement for the Legal Department. He said the agreement provided certain standards of customer service. He said a public hearing was required prior to execution of the agreement by the Mayor.

Attorney Housley said the city had the opportunity to request more public access channels but "We barely use what we have now. . . There are not a lot of changes from the old agreement. These become critical when you have competition. This is not an

exclusive agreement,” he said. Attorney Housley said customer concerns about Comcast service should be brought to the public hearing.

Councilmember Monson was aware of a 24-hour national arts channel and asked if the city could sponsor something like it.

Attorney Housley’s caution about use of public service access was “when you open it up to one, you open it up to all.” He said the administration has decided not to open up access because programming could not be controlled.

Scott Tenney was present representing Comcast. He said the city had the option to work with USU to provide educational programming.

Chairman Pyfer announced that a public hearing would be held July 15, 2008 on the Comcast television franchise agreement.

**Electronic Message Centers/Reader Boards: City of Logan, applicant, proposes a text amendment to the Land Development Code, Chapter 17.40, Signs, adding 17.40.140 Electronic Message Centers/Reader Board et seq., and amending 17.61 Definitions, to include all new terms associated with LDC 17.40.130.**

Planner Tavis Austin reviewed changes to the Land Development Code draft on electronic sign regulations. He said changes made since the Council discussion two weeks ago were based on limited contact with YESCO, a local electronic sign company. (A six-month moratorium on new electronic signs would end July 18, 2008. Prior to this proposal, the city had no laws in place addressing electronic signage.)

The code allows video, traveling text and a larger sign area (increase in the latest draft from 24 s.f. to 48 s.f.). It reduces restrictions on operational characteristics, such as requiring less “dwell time” for each screen message. The code also set parameters for bringing existing signage into compliance. Mr. Austin said the brightness/intensity limit was based on the West Valley City law provided by YESCO.

Councilmember Swenson said she was “not pleased with the video component” of the code. She wanted to preserve the character of the community and supported conservative regulation in this area. She mentioned that Park City did not allow this type of electronic signage.

Councilmember Thompson said advertising was important to the success of a business and asked if the city was “pro-business or anti-business.”

There was discussion about dealing with non-conforming signage under new regulations. Councilmember Swenson specifically mentioned Al’s Sporting Goods sign investment and was concerned about the sign and/or site changes that could trigger code compliance. She thought changes should be made to the code in this area.

Chairman Pyfer was undecided on the strictness of the ordinance. She said she was “Sick of hearing how we don’t have any foresight to protect what we have,” but was “Torn between losing the character we have and encouraging business.”

Councilmember Monson didn’t see anything wrong “with any sign up now.” He hoped for a “happy medium” in regulating electronic signage.

Councilmember Thompson supported electronic signage and promotion of local businesses. “This council has a desire to over-regulate things,” he said.

Chairman Pyfer closed the discussion by stating there would be a public hearing on July 15 to consider adoption of the new code.

Councilmember Monson said he would like YESCO’s reaction.

Councilmember Olsen asked that the draft regulations be provided to interested groups and organizations (i.e., Downtown Alliance, Chamber of Commerce, and Neighborhood Councils) for comment.

**Hidden Lake Resort Rezone. General Plan Map Amendment and Rezone. David L. Nielsen/Melvin E. Mecham, authorized agent/owner, request a General Plan Map Amendment from Recreation to Commercial and a rezone from Agricultural (AG) zone to Commercial General (CG) zone on 11.49 acres located at 1400 West 200 South in the Agricultural Zone; TIN#02-066-0012.**

Planner Tavis Austin said the Planning Commission unanimously recommended denial of the Hidden Lake Resort rezone and General Plan Map Amendment. The project is proposed south of the landfill. The Recreation land use designation that surrounds the landfill was established in order to preclude development within a ¼ mile radius of the landfill. Mr. Austin said the rezone should be denied because it is inconsistent with the General Plan. The rezone would place a commercial development in undeveloped land that the city has argued should not be used for human habitation. Also, rezoning property, whether or not it includes a General Plan amendment should be based on its own merit and not on a proposed or conceptual project.

Attorney Housley spoke about the liability if development of the type proposed was allowed to border the landfill. He said the landfill was unlined and there were leachate concerns. He said the developers purchased the land zoned as Agriculture and could make use if it as the current zone permitted.

Councilmember Olsen said the developers were willing to take the risk. Attorney Housley said the decision to be made was whether the city was willing to take the risk.

**Budget Adjustments F/Y 08-09 appropriating: \$36,500 for RAPZ Thermal Pool Cover Racks grant; \$10,000 for RAPZ New Year’s Eve Party grant; \$7,538 for RAPZ Batting/Pitching Tunnel grant; \$89,881 for RAPZ Population Split money; \$54,000 for the FY09 Assistance to Firefighters Grant - 08-45**

Finance Director Richard Anderson reviewed the proposed adjustments to the budget that would appropriate grant funding. Public hearing was set for July 15. Councilmember Monson hoped there would be better follow-up on submitting applications for RAPZ funding.

## **OTHER CONSIDERATIONS.**

**Police Officers – Cost of Living Adjustment.** Chairman Pyfer asked about the emails she had received regarding a 4% cost of living adjustment for police officers. Finance Director Richard Anderson explained that SB 19 had been enacted by the 2008 State Legislature modifying the Utah State Retirement and Insurance Benefit Act to provide an enhanced maximum annual cost of living adjustment for certain public safety retirees. The amendment allowed employers in the Utah State Retirement System the option to offer a maximum annual cost of living adjustment of 4% for public safety members and retirees in lieu of the current 2.5%. Mr. Anderson said the issue was more complicated than it appeared and would be costly for the city. He suggested that Councilmembers respond to emails by saying the city was analyzing the issue and would make a decision by next budget year.

**Joint City-County Council Meeting.** Chairman Pyfer said a joint city-county council meeting was planned for Tuesday, July 29. She suggested a Countywide Library Report for the agenda and asked if there were other items. A proposal that had been brought forward requesting endorsement a North Cache County Scenic Byway was another suggestion. Councilmembers should contact Chairman Pyfer with other agenda items.

**Vehicle Booting Fees.** Chairman Pyfer polled the Council to determine whether to put vehicle booting on the agenda. At a June council meeting, Dennis Shaw of Cache Auto Booting had made a request for a fee increase. Attorney Housley said the fee was increased from \$50 to \$70 in April 2007. It was agreed to put vehicle booting on the July 15 agenda as a workshop item.

**Off Highway Vehicles.** A citizen had requested off highway vehicles be allowed on city streets to help combat the high cost of gasoline. City Attorney Housley said regulations for these types of vehicles were found in State Code. If low speed vehicles met requirements, they could be driven on roads with speeds posted under 35 mph. Attorney Housley said ATV's were problematic, and cities had the ability to pass local ordinances to allow them on streets when crossing to off-highway vehicle routes. He said it would not be an option to use ATV's as commuter vehicles.

There being no further business to come before the Council meeting adjourned at 7::40 p.m. to a meeting of the Logan Redevelopment Agency

Lois Price, City Recorder