

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 15, 2008 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, Vice-Chair Laraine Swenson conducting.

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

OPENING CEREMONY. Tom Berry of St. John's Episcopal Church gave a thought and offered a prayer. He also led the audience in the Pledge of Allegiance.

Vice Chair Swenson welcomed those present. There were about twenty citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the meeting of July 1, 2008 were approved with minor corrections.

Meeting Agenda. The meeting agenda was approved with adjustments to the published order of items under consideration. Councilmember Monson asked to be excused for an appointment at 7 p.m.

MAYOR/STAFF REPORTS.

BOARD APPOINTMENTS. Mayor Watts requested ratification of the reappointment of Jeannie Simmonds, 109 East 100 North, to the Planning Commission. He also requested appointment of Allison Hale, 368 East 300 North, to the Board of Adjustment.

ACTION. Motion by Councilmember Monson, seconded by Councilmember Olsen to ratify the board appointments of Jeannie Simmonds and Allison Hale as proposed by Mayor Watts. Motion carried 4-0, Pyfer absent.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

JOHN WANGSGAARD. Mr. Wangsgaard was concerned about the city's program to reclaim of park strips in residential neighborhoods. He said the city was infringing on citizen's property rights. He said a common principle in real estate was that property became yours after it was used for a period of years. He protested the city's "violation of the founding principles of this country in the name of aesthetics." Mr. Wangsgaard said as a patriot he was upset because of the sacrifices that had been made in the name of liberty. He quoted Thomas Jefferson, "The government that governs least, governs best."

Councilmember Swenson thanked Mr. Wangsgaard for his comments.

ACTION 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 Director Jay Nielson reviewed the two resolutions amending Community Development Block Grant funding. Two changes were proposed to the 2008-09 Annual Action Plan: (1) Approving a \$90,000 CAPSA project to construct two single family units for transitional housing rather than using funds to purchase existing buildings; (2) Adding \$116,919 for Logan City Community Development program administration expenses.

Another change was proposed to the 2007-08 Annual Action Plan: De-obligation of \$200,000 from Logan Public Works Department Revitalization activity and re-obligation of these funds to Neighborhood Sidewalks Restoration in the same department. Mr. Nielson explained the change would positively affect 59 Streets in the Adams neighborhood, rather than the two streets proposed in a “model streets program.” Mr. Nielson explained proposals met the national low-mod income objectives and helped to improve and stabilize neighborhoods. “We are proposing that the funds be reallocated for this new project which we believe will benefit even more citizens,” he said.

Councilmember Thompson did not think the application was specific as to the scope of the CDBG funding. He said the request was for \$200,000, and the application stated no other funding was required to complete the project. Thompson asked how this project could be accomplished throughout the city.

Mr. Nielson responded that the project would continue until funding was exhausted. He said the engineer’s estimate for a city-wide project would be provided. “We are asking for \$200,000 to go as far as we possibility can. . .” he said.

Attorney Housley said that two different things were being talked about. He did not believe a city-wide construction cost estimate was available. Both he and Mr. Nielson assured the Council that only the allocated CDBG funds would be used for the project in this budget year.

Vice Chair Swenson opened the meeting to a public hearing.

Bruce Rigby asked how the city prioritized the use of the \$200,000. He said since funding was limited, money should be put to the best use. “Do we really believe this is the highest priority in a time when money is tight, and we are trying to be careful?” he asked. Mr. Rigby said there were areas in the west part of the city with no sidewalk and cars parked “helter-skelter.” He owned apartments that would be affected by the park strip restoration and asked if it was the best use of the money to take away parking. “Does it really benefit the citizens to cause a parking hardship,” he asked. Mr. Rigby said Options for Independence and other groups might have been overlooked in their

requests for funding. He wanted to make sure that priorities were considered and funding was being used for projects that would be of best benefit to citizens.

Cheryl Atwood, Executive Director of Options for Independence, said there were places along Main Street that were not accessible to the disabled or those in wheelchairs. She said the Discount Tire/Logan Glass corner was not accessible. There were also many areas in the city with no sidewalk. She said accessibility should be a higher priority than the proposed project.

Terry Oliver encouraged the Council to consider the purpose that CDBG money was to benefit citizens of the community. He thought the money should be used to benefit as many as possible – not on a cleanup project the city had undertaken. He said the money should be used in other areas of Logan where sidewalks were needed.

Chad Tilley asked if the process for CDBG reallocation had been followed. He felt there was a better use of the funding. He said there was no curb, gutter or sidewalk near the Fairgrounds. Another project could be the city soccer field near Blackhawk condos where more parking and sidewalk was needed. He said either of these projects was better “than ripping out parking that has existed for 50-plus years.”

Public hearing was closed.

Councilmember Monson said the \$350,000 had been allocated for sidewalks because it was a concern of the Council. He said the city had already spent an “enormous amount” of money on Baer Soccer Park, and the neighborhood improvement issue was one that was supported by many citizens. He was sympathetic to requests for improving and adding sidewalks but said the ideas suggested had been considered and discussed.

Councilmember Olsen asked staff if the CDBG reallocation process had been followed and was assured that it had been.

ACTION. Motion by Councilmember Monson to approve both resolutions: 08-43 and 08-44. “We have had this discussion, and the city has been moving in the direction (park strip reclamation) since before Herm and I were elected,” he said.

Motion was seconded by Councilmember Olsen. He said Bruce Rigby had raised an important point about priorities. Olsen said he had been “anxious for years that some sections of town seem to get preferential treatment while others get ignored.” He was pleased that this year’s city budget addressed that issue. “As long as we continue to look at important needs in those areas, I am satisfied with the proposal as well,” Olsen said.

Mayor Watts said John Harder had worked with neighbors and the city to fund a special improvement district for curb, gutter and sidewalk improvements from Center to 100 South on 600 West that would be underway this year. He said the city was willing to discuss joint efforts like this in older sections of town and invited neighbors to bring projects forward.

VOTE ON THE MOTION to adopt was called for. Motion carried 3-1: Swenson, Olsen, Monson voted yes; Thompson voted no. (Pyfer absent)

PUBLIC HEARING. 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 - 08-48 Revised.

Planner Tavis Austin answered Council questions and clarified concerns about the ordinance. Vice Chair Swenson opened the meeting to a public hearing.

Wesley Van Dyke, Young Electric Sign Company (YESCO) Sales Manager distributed a letter providing his input on the proposed ordinance regulating electronic signs and reader boards. He said the portions that addressed sign area, brightness/intensity, and permitted zones were clear and concise. The section on programming control was confusing and open to different interpretations. Mr. Van Dyke suggested adding a strategic statement on city intent, along with “additional definitions or statements of differences on animation, transition, frame effects and video.”

Councilmember Thompson also thought clearer definition was needed in these areas.

Rod Wardle of YESCO said the ordinance created confusion on display methods. He agreed that a statement of intent would help clarify the issue.

Councilmember Olsen said the moratorium on electronic signs ended July 18, so it was necessary for the Council to act at tonight’s meeting. He suggested the concerns raised could be brought back as technical amendments if adjustments could not be made tonight.

The public hearing was closed.

ACTION. Motion by Councilmember Olsen to approve Ord. 08-48, Electronic Message Centers/Reader Boards. He suggested that staff work with sign industry representatives on additional clarifications, if necessary. Motion seconded by Councilmember Monson.

Councilmember Swenson supported removal of “Video” from “Permitted Effects.” She was also concerned about the “Operational Characteristics” section permitting Level IV where video is utilized. She thought animation would be “noisy and annoying, and the city would be sorry in the future. . . This is the time to slowly approach this. Let’s just do Level II and see what happens . . . I have great concerns over it,” Swenson said.

Councilmember Thompson supported the ordinance although he didn’t fully support regulating electronic signs. Councilmember Monson said the ordinance before the Council was a good compromise.

VOTE ON MOTION TO ADOPT. Councilmember Swenson called for a question on the motion. Motion carried 3-1: Swenson voted no; Olsen, Thompson, Monson voted yes; Pyfer absent.

SOLAR POWER & INCENTIVE PROGRAM – Consideration of a resolution approving a Solar Power & Incentive Program – 08-49

Councilmember Swenson had requested passing the resolution to clarify that the Solar Power & Incentive Program was ongoing, with no sunset clause.

ACTION. Motion by Councilmember Thompson, seconded by Councilmember Olsen to approve Res. 08-48, Solar Power & Incentive Program. Motion carried unanimously 4-0; Pyfer absent.

100 East Update – John Gilchrist, Parsons-Brinkerhoff (PB) Engineering.

Mr. Gilchrist reported on the design phase of the 100 East project, 300 South -1200 South to Providence Lane through Logan, River Heights and Providence. He said major plan submittal was being completed for review by cities and UDOT. Final plans would be complete by August 31. One issue was rights-of-way acquisitions being negotiated by another consultant. In total, 31 property parcels were affected. Two of those properties, a fourplex and a house, would need to be purchased as “total takes.” The remaining 29 parcels were “partial takes.” Logan’s portion of the cost was \$6.6 million for the federally funded part of the project. Next steps Mr. Gilchrist outlined were: Review and finalize plans; acquire rights of way; advertise project.

Councilmember Olsen asked why 100 East was given priority over 200 East. Some of the past history was reviewed. Over a period of years changes to the CMPO long-range plan have taken place due to changing Councils and negotiations with cities involved. It had long been recognized that both the 100 East and 200 East road improvement projects were necessary to move traffic. 200 East alternatives continue to be evaluated. Mark Nielsen emphasized that what would happen on 200 East, including whether homes would be affected in the 200-300 South neighborhood, would not be known until consultants completed evaluation of the EIS.

Councilmember Thompson asked if Mr. Nielsen had responded to an email from Graham Hunter. Mr. Nielsen said this had been done.

Vice Chairman Swenson expressed appreciation for the update.

PUBLIC HEARING: COMCAST— Consideration of a resolution approving a Cable Television Franchise Agreement with Comcast – 08-47.

Councilmember Monson was excused at 7 p.m. for an appointment relating to city business. Before leaving he asked if the Comcast representative if he would investigate broadcast of the free “public art” channel mentioned at the last meeting.

Assistant City Attorney Lee Edwards had researched the franchise agreement and informed the Council that it met terms set forth in Federal statutes.

Vice Chairman Swenson opened the meeting to a public hearing. There was no comment, and the hearing was closed.

Councilmember Thompson was concerned that ads were being sold on the city's educational channel. He did not think it was prudent on the city's part to let this continue.

Attorney Housley explained the city's agreement with The Valley Channel and Earl Rouse could be terminated at any time. The city was not using the government access channel so agreed to let Mr. Rouse do so. "It was an attempt to try to preserve The Valley Channel, and that's why we did it," Attorney Housley said. Mayor Watts said one individual in addition to Mr. Rouse had approached him about using the city's channel and had been directed to negotiate with Mr. Rouse.

Vice Chairman Swenson closed the discussion. She invited Councilmember Thompson to bring up the issue relating to use of the channel at a future time.

ACTION. Motion by Councilmember Thompson, seconded by Councilmember Olsen to approve Res. 08-47, Comcast Franchise Agreement," as presented. Motion carried 3-0, Pyfer and Monson absent.

PUBLIC HEARING: 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; \$54,000 for the FY09 Assistance to Firefighters Grant - 08-45 Revised.

Finance Director Richard Anderson reviewed the changes to the budget. Vice Chairman Swenson opened the meeting to a public hearing. There was no comment, and the hearing was closed.

ACTION. Motion by Councilmember Olsen, seconded by Councilmember Thompson to approve Res. 08-45 Revised, as presented. Motion carried 3-0, Pyfer and Monson absent.

UTAH RETIREMENT SYSTEMS (URS) CONTRIBUTORY RETIREMENT PLAN – Consideration of a resolution approving “pickup” of member contributions to the URS Contributory Retirement Plan for eligible employees – 08-46.

Human Resources Director Bruce Adams explained that the city's independent auditors pointed out that formal clarification on an annual basis was required by the IRS of the city's intent to fund the URS Contributory Retirement Plan "pick-up" (member contributions paid by the employer). Action requested of the Council would formally approve the funding included in F/Y 2008 and 2009 fiscal year budgets. Mr. Adams said although the resolution adopted the policy retroactively, there was no affect on overall

spending. 13 police employees and 47 firefighters are currently enrolled in the URS program.

ACTION. Motion by Councilmember Olsen, seconded by Councilmember Thompson to approve Res. 08-46, URS Contribution Retirement Plan, as presented. Motion carried 3-0, Pyfer and Monson absent.

WORKSHOP ITEMS.

Vehicle Booting Regulations.

The owner of Cache Auto Booting, Dennis Shaw, requested that the city amend the vehicle booting law to allow increases to the fee for booting vehicles on private property based on a surcharge related to the cost of gasoline. The current maximum private booters are allowed to charge is \$70 per vehicle.

Vice Chairman Swenson said she planned to open the meeting to comment by two or three citizens.

Attorney Housley told the Council that the cap set on the fee for Provo City was \$50; the cap set for Salt Lake City was \$80. He recommended setting a fixed fee rather than implementing a surcharge based on the cost of gas.

Vice Chairman Swenson presented some statistics from University Booting in Provo. She supported a fee increase based on a surcharge on the portion of the booting fee related to fuel and asked that staff perform a financial analysis to help determine a fair increase.

Police Department Captain Eric Collins said vehicle booting created increased workload for officers since resulting violations are “volatile and problematic.” He did not support increasing the fee. He said there was a need to clarify the law for required parking area signage. He said people needed to be reasonably noticed when entering a parking lot that their vehicle could be booted.

Grady Brolin, USU student, said many students had been dealt with unfairly by the booting company. He said there could be better options to deal with students since they were the ones who were mainly affected. He asked that the booting fee not be increased.

John David Jorgensen, USU student, said he believed in free government and booting privatization. He said there should be a fee to deter parking that was paid by property owners. He also said there was not enough parking available.

Councilmember Olsen commented that the city has allowed property owners to “maximize profit and provide insufficient parking. . . We are stuck with this problem thirty years later.”

William Fullmer, USU student and employee of Dennis Shaw, talked about the actual work of doing the booting. He said there were tenants who were thankful for the good service that was provided so that they could be assured a parking space, especially late at night. He said the business profit was shrinking, and the company had no say about fees.

Dennis Shaw said the vehicles booted were in violation of property rules. “We suffer more abuse than we ever give out. . . We enforce property rules. . . We are the bad guys no matter what and have been impacted by costs we have no control over,” he said. Mr. Shaw did not believe Councilmember Swenson’s idea would work.

There was discussion about whether to put the item on the agenda as a workshop or action item. Vice Chairman Swenson asked Attorney Housley to work with Richard Anderson and Dennis Shaw to bring a proposal forward for Council consideration. The issue would appear on the agenda as an action item.

Budget Adjustments F/Y 08-09 appropriating: \$400 for the Zoo Project Support grant; \$275,000 adjustment for property purchase; \$21,000 adjustment for Public Works radios; \$110,000 for FY 09 JAG Grant – 08-50

Finance Director Richard Anderson reviewed proposed adjustments to the budget. Public hearing was set for the August 5 meeting.

Budget Adjustments F/Y 08-09 appropriating: \$61,000 for RAPZ 2006 Boulevard Trail grant; \$89,918 for RAPZ 2008 Population Split money; \$75,000 adjustment from Deer Pen Property to UDOT Grants – 08-51

Parks and Recreation Department Director Russ Akina reviewed changes to the budget needed to fund UDOT grants for the Boulevard Trail and Southwest Gateway. The proposal downsized the Deer Pen property project to help provide funding for the grant match. Public hearing was set for the August 5 meeting.

OTHER CONSIDERATIONS.

There being no further business to come before the Council meeting adjourned at 8:15 p.m. to a meeting of the Logan Redevelopment Agency

Lois Price, City Recorder