

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, November 18, 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, Stephen C. Thompson, Jay A. Monson and Herm Olsen. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and Recorder Teresa Harris.

OPENING CEREMONY. Opening thought was given by Councilmember Herm Olsen. He played the only known recording in history (1938) of someone who was there and heard Abraham Lincoln 145 years ago today giving the Gettysburg Address. Public Works Director Mark Nielsen led the audience in the Pledge of Allegiance.

Chairman Pyfer welcomed those present. There were 8 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from November 4, 2008 were approved with minor corrections.

Meeting Agenda. The meeting agenda was approved. Chairman Pyfer announced that at tonight's meeting there would be two public hearings regarding a budget adjustment and consideration of a proposed amendment to the Election Ordinance.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

There were no questions or comments from the audience.

MAYOR/ STAFF REPORTS.

PUBLIC WORKS DIRECTOR MARK NIELSEN – DUGWAY CLASS C FUNDS.

Mark Nielsen distributed a spread sheet from UDOT that shows the projects that were identified with earmarks under the T21 Highway Bill from 1998. The over obligation column shows provided projects with more money than the original earmarks and now at the end of the program the funding is no longer available for the short dugway project. The money went to other projects throughout the State of Utah because we postponed on getting our request in and also due to reasons of addressing neighborhood concerns. The news of no funding comes from the UDOT corporate office and not from Region One.

Mayor Watts said that he and Mr. Nielsen met with representatives from UDOT regarding the dugway money. From the road tax there is some money available to work on 100 East.

Councilmember Swenson stated we have two choices, one is to accept this decision from UDOT and the other is to try and do something about it and appeal this decision which she feels we should do.

Chairman Pyfer asked can we talk to our representatives in the legislature and ask for funding.

Mr. Nielsen stated the problem is the funding source, State money cannot fund a non-State road. He would be willing to work with City Attorney Kymber Housley to see what can be done and review the contract.

Councilmember Monson feels because this was managed by UDOT it is their problem. He feels that UDOT has a large budget and we should let someone know this is poor management and that someone other than Logan City handled the money very poorly. We should make an attempt to resolve this.

Councilmember Swenson asked does UDOT receive annual allocations from the federal government.

Mr. Nielsen responded that yes, they receive allocations from the federal government and all the money was given to UDOT by 2003. They had all the money they were going to get and we would have expected in 2003 to know where this money was going.

Mayor Watts stated that UDOT has an obligation to us for the money that is already spent on the project which is 2.9 million dollars. They will have to reimburse us this amount.

Mr. Nielsen said that the 2.9 million dollars that has already been spent went to an environmental study that went on for years. This money also paid for complete final design and subsurface soils.

Councilmember Swenson feels that UDOT should be able to go back to the other communities that were overpaid and get the money back.

City Attorney Housley said the best case scenario will be that we get an apology from UDOT, which we have. There is no legal ground and financially there is no way we can sue them and go after the money. Our better effort would be spent getting new funding and not going after money that isn't there.

Mr. Nielsen said he will continue to work with UDOT and will include in the next transportation bill funding for the short dugway project.

COUNCIL BUSINESS.

Meeting Schedule. Chairman Pyfer announced that regular council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular council meeting is Tuesday, December 2, 2008.

Finance Department, Auditors and Audit Committee: Presentation of Comprehensive Annual Financial Report FY 2008.

Those presenting were Finance Director Rich Anderson, Scott Burton from Jones Simpkins and Curtis Broadbent, Audit Chairman.

Mr. Anderson gave each of the council a copy of the Comprehensive Annual Financial Report. The report is available on the Logan City website; a hardcopy is available in Mr. Anderson's office and also available for the public to view in the Logan City Library. He would welcome all citizens to review the report. He said that Logan City is in a good financial position and doing very well. Every fund in the city has reserves with the exception of the Redevelopment Agency which is a non major fund. He feels that the City is getting close to having an adequate reserve to address our capital needs and the report in general says we are in a good position and the City is prepared for the future as we head into hard economic times.

Scott Burton with Jones Simpkins stated they have completed the Annual Financial Statement Audit for 2008 and are required to provide four distinct audit reports. The first report is an unqualified or clean opinion on the financial statements and in his opinion the CAFR is correct. The second is internal control, referred to as the "yellow book" report. In this report they look for internal control and inconsistencies. The findings have been discussed with the finance department and the audit committee. The management has given a formal response to the committee. The third report is federal compliance and this also is a clean report and did not identify any reportable issues of non compliance. The fourth report is from the State of Utah that requires legal compliance with State statute. This was a clean opinion and the City is in compliance. He offered suggestions for improvements and has discussed these with the audit committee and finance department.

Curtis Broadbent has been the Chair of the Audit Committee since it was established in July 1, 2008. The Audit Committee was established to review the annual and quarterly financial reports. They have reviewed the reports and discussed them including all internal controls and recommendations with the auditors and the finance department. They are satisfied with the recommendations. The Audit Committee will meet again in December 2008 and quarterly in 2009.

Chairman Pyfer thanked the Auditors and the Audit Committee and the work they have done in completing this report for the council.

Report on Library Consultant's Findings.

Chairman Pyfer recognized Craig Peterson from the Cache County Council in the audience. Mr. Peterson also served on the library study committee.

Councilmember Monson gave a report on the Library Consultant Findings. He feels the outside consultant did a very good job and presented a lot of things to consider. He distributed a list of his comments and observations from the feasibility study; a complete copy is available in the City Recorder's office.

Councilmember Monson feels that most people in Cache County want a library and want to be a part of a library. If everyone pays into a library the cost is minimal. The Cache County/Logan City Councils study committee estimated that \$2,700,000 (tax levy of .000658) would be initially needed to finance operating costs for a new countywide system for the first year. This study calls \$2,952,652 (tax levy of .000647) for that purpose. Both estimates would be about \$60 a year per average home and around \$110 a year per average business.

The study estimated additional costs to the county as \$232,000 (new county personnel). This would raise the total cost per average home to about \$65 a year, or \$5.50 a month; and the average business approximately \$119 per year.

The study estimates that approximately \$594,000 one-time, start-up costs would be required to launch a Countywide library system. It also lists as a 'very good possibility,' approximately \$100,000 from a state LTSA Grant that may be available to assist with this transition. That leaves \$494,000 to raise either by a public donation drive or a one-time higher tax levy at a few more dollars that one year, per average home or business.

With the slow down in the economy people are going to the library more often and using the library more than ever. The County Council said they have not yet made a decision on the library and the plan is still in place. A countywide library system has been talked about since 1976 when the County withdrew from the City/County library that was in existence since 1920 and Logan has had its own library since that time. This is a good time for the elected leaders who want a countywide system to come together and start something to get moving in that direction. No one wants to pay a lot of money but if everyone comes together the cost will be minimal. The County will contact the cities and towns and get their feedback. Then, after a public meeting with their citizens, they will make a decision. The County Council will have the library on their agenda the next time they meet and if approved they will go the cities and towns.

Councilmember Monson feels this is a win-win and we can move forward at this time. He said that Washington County has taken 25 years to have a full blown countywide library system and we can work towards this for Cache County. He would suggest working together and come up with a "phase in" plan.

Chairman Pyfer said that the consultant said having a countywide library system looks overwhelming but it can be done and it has to start somewhere. Logan City passed a resolution saying that we want to be part of a countywide system. The council member's in the different cities and towns would possibly have a different view than their County Mayor but it would be a place to start.

Councilmember Monson said if we went with the plan it would still not be a tax increase and for many it would be a tax decrease because more people would be involved and the cost is spread out over a larger population.

Councilmember Swenson said the average cost per home in Logan City is more than reported because of the costs of the General Fund that aren't included in the Library budget or dedicated tax.

Councilmember Thompson said the cost would be less if we maintain our library status quo but if we expand and go to a countywide system he doesn't feel the cost would be less.

Councilmember Monson said there would be an expense with a new building.

Councilmember Thompson thanked Craig Peterson and the County Council for doing this report. He looks forward to creative ideas from the County and a possible interlocal agreement and countywide system in the future.

Chairman Pyfer announced that the 10th West neighborhood will meet this Thursday, November 20 at 7:00 p.m. at Woodruff Elementary. The Council is invited to attend and the neighborhood will make a presentation at the December 2 council meeting.

ACTION ITEMS:

PUBLIC HEARING: Budget Adjustment F/Y 09-10 appropriating: \$31,155 for After School Clubs Grant; \$7,431 for Police Department Equipment Grant; \$41,960 for Bridgerland Literacy donations; \$457,798 for 911 Center equipment grant; \$25,000 for the Youth Alcohol Grant; \$5,000 for the Airport Market Study grant; \$800 for the RDA training grant – 08-79

Chairman Pyfer opened the meeting to a public hearing on the budget adjustment to approve \$31,155 for After School Clubs Grant; \$7,431 for Police Department Equipment Grant; \$41,960 for Bridgerland Literacy donations; \$457,798 for 911 Center equipment grant; \$25,000 for the Youth Alcohol Grant; \$5,000 for the Airport Market Study grant; \$800 for the RDA training grant. As there were no comments the hearing was closed.

ACTION. Motion by Councilmember Swenson, seconded by Councilmember Monson to approve Budget Adj. 08-79, as presented. Motion carried unanimously.

PUBLIC HEARING: Consideration of proposed amendment to the Election Ordinance – 08-83

Chairman Pyfer explained the amendment to the Election Ordinance. The ordinance would allow council members to both represent citizens at large and run at large. They would not have to run for a numbered seat, they would just run for office and the top vote getters would advance on to the final election.

City Attorney Housley explained there is a practical reason to have numbered seats to know what seats are up for election to identify the seat only.

Councilmember Monson said this change is being done by suggestion of several on the council and they are not pursuing that we represent a certain neighborhood but this is a compromise. What this does is save the confusion that now exists and promotes positive campaigning.

Councilmember Thompson feels if you look at where the highest concentration of votes are, it is still on the East bench of the City. He feels that in approving this ordinance we

get less of a mix of representation because the highest vote getters will come from the East bench because they are the ones that get out and vote. He does not support the districting concept.

Councilmember Monson said that in making this change, you won't have one person against another and everyone runs against each other it makes the voting less confusing.

Chairman Pyfer opened the meeting to a public hearing on the proposed amendment to the Election Ordinance.

Citizen Michael Gordon addressed the council. Mr. Gordon feels there should be represented districts and would like to have a specific person on the West side and a specific person who represents his neighborhood. He does not object to this change and feels that Councilmember Monson is headed in the right direction with this proposal.

Chairman Pyfer closed the public hearing.

Councilmember Monson said that when he ran for office he met with citizens on the West side and it was unanimous in those neighborhood meetings that they felt under represented. They did not feel they had anyone in their neighborhood to represent them and did not feel part of Logan City.

Councilmember Olsen said that he struggles with this idea of districting because people he knows have worried about the affect of creating divisiveness of regional representation. He is convinced that the County Council for 95% of all the issues they discuss have not been divided from a regional perspective. It rarely breaks down on a South end of Cache Valley vs. the North end of Cache Valley. He is concerned about this change and feels the people of Logan should weigh in on this issue and offer their views. He would suggest that a vote of the people should be done with three districts, two at large seats at the next election.

Chairman Pyfer would like to see the number of people running for city council to increase and feels that changing the way it is now would be a more comfortable setting because they are not running against an incumbent and two or more people could apply from the same area.

Councilmember Monson stated that the Utah League of Cities and Towns has said that this does not have to go to a vote of the public. We are the only City in the State of Utah that has numbered seats, and we make this change without taking it to the voters.

Mayor Watts feels it is part of the election process to make this open so citizens can have a view of something they didn't like that may have happened the past four year period term of a council member.

Chairman Pyfer feels the incumbent issue and the way it is now, limits those who will run and instead they should just "run for office" and it opens up the process.

Councilmember Thompson feels that you don't get the scrutiny of an individual candidate and the opponent on an issue if it were to be changed.

ACTION. Motion by Councilmember Monson, seconded by Councilmember Olsen to approve Ord. 08-83, as presented. Motion passed 3-2.

Ayes: Pyfer, Swenson, Monson

Nays: Thompson, Olsen

WORKSHOP ITEMS:

UDOT – SR/30 Discussion.

Public Works Director Mark Nielsen introduced Charles Mace from the Utah Department of Transportation (UDOT) Project Manager from Region One for the 10th West and SR/30 project.

Mr. Mace said the SR/30 project is an environmental study and done on a State level. The purpose of any environmental study is to find the best solution to the need in the area they are studying. They try to limit certain influences so they are getting to what would be considered “doing the right thing for the right reason” in the area and to meet the needs of the area and the State. They are very restricted in what they can do and if there is a need, they try to reduce the impact on people which is the purpose of the study. They are limited of where and how they can spend money and this comes out in their study. They are not determining this need based on funding or political influence. They determine the impacts, fulfill the need, and realize that conflicts may arise and they try to address these with the neighborhood. They take input and try to come to the best conclusion and go through a process.

Regarding SR/30 the process has been hampered, but there are multiple alternatives. They are doing comparisons and finding out which is the least impact with the greatest result. They have established that there is a need and are trying now to determine what the need is. The two lane road that is there now is not sufficient for the traffic going in an East to West direction.

The need is in this area of 200 and 400 North. They have not been able to find other options to fulfill the need that is there. The best is 400 North but a final decision has not been made. They need more information to make a final decision. The public hearing for the document is expected in the summer of 2009 and a decision will come out in a year from now. In order for the project to be built, the roadway will have to change jurisdiction and that needs to be done before the project is advertised, UDOT has to own the right of way. There is currently 13 million dollars allocated and that will only pay for 1/3 of the project. According to the 400 North scenario, it would take two or three times in addition to the 13 million dollars.

Councilmember Monson said that in talking with Cory Pope from UDOT, he asked if UDOT would ever be interested in leaving 400 North as it is with two lanes and possibly a turn lane in the middle, but make improvements so that it connects with 10th North and then come back and make changes. Mr. Pope responded this could possibly be an alternative. Signage would continue on 400 North out 600 West to 10th West and possibly make a connection there.

Mr. Mace responded that in order to make this happen, it could not be done with current funds. The restriction on State funds is the funds must be spent within the State right of way. They have finished looking at the need in the area and have a traffic study they are doing. Other studies are being done such as wetlands and coordinating with Logan City on storm drains and how best to deal with this alternative. The method they are using for dollar values is order of magnitude. The East/ West traffic is becoming more of a problem.

Mayor Watts stated the 200 East scenario is that residents have been put on hold over the past several years and eventually these areas will be impacted when money is available.

Mr. Mace said that funding is not determined by environmental documentation. It is determined by the legislature, input from Logan City, and UDOT on whether this is a good project or not. UDOT will continue holding regular meetings with those involved and will notify the council of future meetings.

Councilmember Monson said this is not a “done deal” and wants to affirm that the council will continue to request input and public involvement.

Chairman Pyfer acknowledged the neighbors that were in attendance for the SR/30 discussion.

Glen Goins: Consideration of proposed amendment to the Logan City Land Development Code and the Logan Municipal Code. The proposed change would allow alcoholic beverage manufacturing and permit Brew-Pub Style restaurants in the Commercial Central zone. Applicant is the Logan Downtown Alliance – 08-82.

Community Development Planner Glen Goins gave a presentation on an amendment to the Land Development Code and amendment to the Logan Municipal Code to allow for the existence of brew restaurants. This proposal would allow alcoholic beverages to be served in conjunction with food items. The intent is that food sales in conjunction with brewed alcoholic beverages would have a ratio not to exceed 50% of alcohol to food sales. The proposal is written for brew restaurants in the commercial central district which is the central business district of Logan City. The location specifically is 300 North to 100 South of Logan. The proposal by the Downtown Alliance was presented to the Planning Commission and they voted unanimously to recommend approval for an amendment to the Land Development Code allowing for these uses. They also recommend approval of the ordinance. All comments received from citizens and business owners were in favor of this proposal.

Chairman Pyfer asked if the brewed alcohol would be allowed to be taken off site.

Mr. Goins responded this would not be permitted. It has to be served and sold in conjunction with food sales.

Councilmember Swenson asked for clarification of the license of those who bring alcohol beverages to the brew pub or is it the brew pub having a license to transport to other locations to sell.

City Attorney Housley responded that currently our ordinance prohibits any manufacturing in Logan City. This amendment makes an exception for a brew restaurant and it cannot be brewed and shipped somewhere else. The license applies to the person delivering the beer to the brew restaurant. The brew restaurant could act as a beer retailer and sell other beers in addition to brewing their own beer.

Chairman Pyfer asked is there a smell from the brewing?

Mr. Goins responded there is no specific example to compare to in Cache Valley. They can address and look at where the brewing would occur within the site itself. It would be a conditional use permit and would require the applicant to come before the City for regulatory control.

Mark Fjeldsted from the Downtown Alliance addressed the council and said that he contacted three brew establishments across the Wasatch front and all three said they had no problems or complaints regarding a smell from the brewing.

Chairman Pyfer asked that Community Development Director Jay Nielson check with other cities that have brew pub restaurants and ask specifically if they've had any complaints about the smell from brew pubs. This issue will come back as an action item at the December 2, 2008 council meeting.

OTHER CONSIDERATIONS.

Chairman Pyfer asked the council to think about changes in leadership of the council Chair and Vice Chair for 2009. This will be discussed at the December 2, 2008 council meeting.

Committee board assignments will also be discussed at the December 2, 2008 council meeting.

There being no further business to come before the Council, meeting adjourned at 7:26 p.m.

Teresa Harris, City Recorder