

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 21, 2009 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah. Chairman Laraine Swenson conducting.

Council members present: Chairman Laraine Swenson, Tami W. Pyfer, Jay Monson, Dean W. Quayle and Herm Olsen. Administration present: City Attorney Kymber Housley and City Recorder Teresa Harris. Mayor Randy Watts excused.

OPENING CEREMONY. Councilmember Dean Quayle offered an opening thought and led the audience in the pledge of allegiance.

Chairman Swenson welcomed those present. There were 20 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from July 7, 2009 were reviewed and approved with minor changes.

Meeting Agenda. The meeting agenda was approved. Chairman Swenson announced at tonight's meeting there would be one public hearing regarding a budget adjustment.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Citizen Beverly Gancheff addressed the council with her concern that council meetings are no longer televised. Due to health problems she is not able to attend council meeting in person. Also, regarding the recent move to the new City Hall building, she feels that more information should have been given to the public of the move and where departments are located.

Councilmember Pyfer suggested that Mrs. Gancheff could watch the city and county council meetings online at kutatv.com. The meetings are not live but are posted a day or two after the meeting is held. The council meetings are also recorded and are available on the Logan City website at www.loganutah.org.

Chairman Swenson announced that council meetings will be held in the new council chambers beginning August 18, 2009 and the meetings will again be televised.

MAYOR/ STAFF REPORTS.

On behalf of the council, Chairman Swenson thanked all city employees, volunteers and everyone involved with the rescue and recovery effort during the recent Canyon Road Landslide. She is very proud to live in a community where people have such compassion and a desire to serve others.

Public Works Director Mark Nielsen also thanked everyone who helped on Canyon Road.

Mr. Nielsen reported that currently the City is working with the canal company to get water into the Northern canal and out to the farmers. The City is pumping water into the canal at 700 North 600 East and letting them use that for canal water. They are helping with a bypass pipe that is going through Lundstrom Park to allow a transfer of water from the upper canal to the Logan Northern canal which will provide the majority of water for the farmers. North Logan and Smithfield are also pumping water into the canal. Water is not being pumped into the canal on the hillside at this time and it is anticipated it will never be used as a canal again.

Regarding the homes on either side of the slide. The home on the East side of the slide has been red tagged for structural damage and it will have to be assessed and repaired. The home on the West side of the slide also has damage. The issue with both homes is the stability of the hillside, which will need to be assessed and investigated by a geological technician before the homes can be reoccupied.

City Attorney Housley stated the City is working with the various property homeowners, the canal company and the State of Utah to facilitate an answer. Meetings were held this past Saturday with representative from Rob Bishop's and Senator Bennett's office to secure funding for long term solutions but in the short term the City is working with UDOT and other State agencies to put a team together to evaluate the hillside. He reminded everyone that Logan City does not own the canal or the property and it will be those entities that have an interest in this area with Logan City working as a facilitator.

COUNCIL BUSINESS.

Meeting Schedule. Chairman Swenson 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, August 4, 2009.

ACTION ITEMS:

PUBLIC HEARING: Budget Adjustment FY 2009-10 appropriating: \$110,000 for the JAG grant; \$19,730 for the Police Department's SAFG (Investigation Vehicle Project) – 09-56.

Chairman Swenson opened the meeting to a public hearing.

Chairman Swenson closed the public hearing.

ACTION. Motion by Councilmember Monson seconded by Councilmember Pyfer to approve Res. 09-56 as presented. Motion carried unanimously.

Consideration of a proposed resolution approving the Closure of 2000 West at Highway 89-91 for a cul-de-sac project – 09-57.

Public Works Director Mark Nielsen provided additional information and stated that UDOT's study evaluated closing both streets involved as part of their safety numbers. If we go back to UDOT and only close half it will change their numbers and they might decide to not do anything on this project.

UDOT representative Darrin Duersch addressed the council and stated when an evaluation was done it was it was in regards to the number of vehicle accidents. If the council determines that only one leg of the project should be closed, the project will be reevaluated and this will eliminate the funding and they would need to start over. This was a very high cost benefit ratio and his feeling is there would not be a project if the other area were closed. To have a right in and right out there would need to be a median and in this area he would not recommend a median due to the speeds of the road and the high traffic volume. When the CMPO brought this project to UDOT it was his understanding that the residents are supportive of the closure.

Councilmember Olsen stated in talking with residents, no one had opposition to the North closure but because of the traffic pattern of people trying to use 2000 South and especially during the Miller work shift change, the area becomes very congested. The residents would rather see traffic go North and feels it is problematic to try and make the turn at 2000 West of the Highway especially when there is a Miller truck trying to make a left hand turn because it blocked their vision for a right hand turn. The residents would like to square up the angles on the corner of 89-91.

Mr. Duersch responded that 3200 South is not a State road and UDOT would like to see it squared up initially but it operates at a much higher level than what has been described. He feels it's never good to trade safety for congestion and asked the council to consider this.

Chairman Swenson stated those who participated in the UDOT study, feel this is an important concept to support the plan that was agreed upon in its entirety rather than pieces of the plan. She supports what was agreed upon during the study and supports UDOT.

Councilmember Pfyer asked when the CMPO prioritized the money for 3200 South it was her understanding they would continue to improve the road to the highway, there would be a right hand turn lane and everything would go off 3200 South.

Mr. Nielsen responded originally that was the plan but the issue of funding the project was realized and they decided to only complete the Nibley area.

Councilmember Pyfer said this bothers her and she feels we need to stay with the plan that was first discussed.

Councilmember Olsen stated it was his understating it was a Nibley decision on how the money was spent and they used it in other ways other than fixing the corner.

Mr. Nielsen stated the County is working to get the remaining road funded, they have submitted an application for County Road Tax. The intent is to get the remainder of the road completed and improved through other means.

Councilmember Olsen stated the residents are concerned about safety and they feel that making the turn at 2000 West trumped the benefit of taking some of the vehicles to the North and make the right hand turn without the larger trucks and traffic congestion.

Councilmember Monson said he really likes the ultimate goal of having very little access on to the main highway because of safety reasons. He would defer to what UDOT wants to accomplish in this area and he supports the project.

Motion by Councilmember Olsen to amend the resolution to close the north road as a cul-de-sac but not the south end until the road is fixed. Motion did not pass for lack of a second.

ACTION. Motion by Councilmember Monson to approve as presented, seconded by Councilmember Quayle to approve Res. 09-57 as presented. Motion carried 4-1 (Olsen opposed).

Consideration of a proposed resolution approving installation of a Median and Light at 100 West and Highway 89-91 – 09-58.

Public Works Director Mark Nielsen stated the right in, right out in the proposed area of 100 West and Highway 89-91 will affect several businesses in that area. There hasn't been any reaction from the businesses other than from McDonalds regarding the turn lane.

Mr. Duersch stated UDOT is in the beginning stages of public involvement and will continue working with the businesses. The corridor study recommended this change four years ago and several public meetings were held at that time. He feels there will be some negative response about the medians going in but to date there hasn't been overwhelming comments from businesses. The proposed median is specifically to address safety concerns.

Councilmember Pyfer asked why does the median have to extend so far North so the hotels cannot be accessed from drivers coming from the South.

Mr. Duersch explained when putting in a median it goes several hundred feet because the longer the median the less likely people will be to take a different route. They also provide an opening for deceleration. He stated that making a U-turn is not a prohibitive movement or unsafe if done properly.

Chairman Swenson asked about the appearance of the median other than cement and weeds that could potentially occur.

Mr. Duersch stated the median will be a foot wide, six inches tall and will be back to back. UDOT is proposing that no landscaping be done due to snow removal. The median is funded with signal monies and landscaping is not proposed. This would be a narrow median and UDOT will do the snow removal. Roundabouts are usually done at low speed areas and are not effective for this area. The standard is a six inch median and the shape is the same.

Chairman Swenson asked if there are other options that can be done with a median.

Mr. Duersch encouraged the council to look at other median areas that have been done in downtown Salt Lake City and other areas of Utah. He feels the medians are not ultra

noticeable and also have reflective striping done to direct drivers. UDOT has policies about gateway monuments that can be done on highways.

Chairman Swenson asked at a future council meeting to see different options that would include a gateway monument.

Mr. Duersch said UDOT would not pay for a monument but there are alternatives to add a monument and the council could consider something different if there was interest. The monument would not be in the median.

Councilmember Pyfer stated that UDOT has the ability to do the median whether the council approves the resolution or not.

Chairman Swenson would like to consider the gateway and how this will look for those coming into Logan City.

Mr. Duersch stated he has very limited funds for projects. This particular project would be done with signal money and the justification is an important safety improvement. The traffic would be pushed to the signal and is within the corridor agreement. If the project were to increase in cost then it would be cost prohibitive and would impact the signal being done. He will send additional information regarding the median and what alternatives can be done. There is also an issue with emergency vehicles that need to access this area and fire apparatus cannot go over the medians and would have to go around the medians.

Councilmember Olsen said he has not heard from any of the hotels in this area and part of the decision should include the hotel owners and get an idea of how they will be impacted with traffic coming from the South into Logan.

Mr. Duersch said there is no deadline for this project and they are proceeding with the study. They did have public meetings and property owners were invited. The corridor agreement is in place to proceed.

Councilmember Olsen would like input from the business owners in that area before proceeding.

Chairman Swenson stated meetings were held and business owners were contacted and invited to hear about this project.

ACTION. Motion by Councilmember Pyfer, seconded by Councilmember Monson to approve Res. 09-58 as presented. Motion carried 4-1 (Olsen opposed).

WORKSHOP ITEMS:

Consideration of a resolution in support of a Fair Redistricting Process – 09-59.

Chairman Swenson read the proposed resolution:

**A RESOLUTION IN SUPPORT
OF A FAIR REDISTRICTING PROCESS**

WHEREAS, redistricting is conducted once each decade, following the census, to determine election district boundaries with a strict timeline for completion;

WHEREAS, redistricting must adhere to all federal and state constitutional requirements and the Voting Rights Act;

WHEREAS, redistricting should respect municipal and county boundaries to achieve compactness and accommodate natural geographical features and barriers;

WHEREAS, a competitive political climate leads to greater voter participation;

WHEREAS, arbitrary and confusing district boundaries split apart local communities;

WHEREAS, arbitrary and confusing district boundaries make it more difficult for voters to identify their representatives and hold them accountable;

WHEREAS, arbitrary and confusing election district boundaries place additional burdens on state House and Senate candidates by increasing the difficulty in effective canvassing and requiring media purchases in multiple markets;

WHEREAS, Utah state legislators have been permitted to arbitrarily or favorably draw the boundary lines of their districts, effectively picking their voters to ensure re-election;

WHEREAS, voters are disenfranchised by this unfair and inscrutable redistricting process;

WHEREAS, voter turnout in Utah declined 5.6% from 2004 to 2008, the largest drop in the nation;

WHEREAS, Utah was considered one of the most gerrymandered states in the nation (2001, Wall Street Journal) with many districts divided without respect for local municipal, political, cultural, economic and geographical boundaries;

WHEREAS, forty-three states, unlike Utah, consider political-subdivision boundaries when drawing a redistricting plan;

WHEREAS, seventeen states, unlike Utah, cannot consider incumbency or addresses of incumbents while drawing a redistricting plan;

WHEREAS, twenty-one states have created independent redistricting commissions to constrain legislative discretion in drawing district lines and to eliminate gerrymandering.

This will be an Action Item at the August 4, 2009 council meeting.

Budget Adjustment FY 2009-10 appropriating: \$5,000 Youth Alcohol and Drug Enforcement Task Force; \$76,321 for RAPZ population split money; \$70,000 for RAPZ Aquatics Center Boiler Replacement grant; \$10,000 for RAPZ Olsen Coner Park Landscaping grant; \$18,420 for RAPZ Deerpen Trail grant; \$85,700 for RAPZ 1800 South 1000 West Trail Construction grant; \$6,420 for RAPZ Batting Tunnel Artificial Turf grant; \$35,500 for RAPZ Willow Park Band Shell Pavilion grant; \$15,000 for RAPZ Aquatics Center Skid Proof Floors & Concrete Repairs grant; \$21,600 for RAPZ Majestic Mountain Meadows Park grant; \$30,000 for RAPZ 1700 South Park Construction Engineering grant; \$60,000 for RAPZ Northwest Park Phase II grant; \$10,500 for RAPZ Electrical Upgrade at the Golf Course Clubhouse grant – 09-60 – Richard Anderson.

Finance Director Rich Anderson and Parks & Recreation Director Russ Akina addressed the proposed budget adjustment and the proposed RAPZ grants.

Mr. Akina stated the County provides one tenth of one percent that goes towards recreation, arts and parks including the Willow Park Zoo. Those four areas make up the acronym for the County tax that goes towards those organizations that have recreation and park agencies. There is a process for applying for these funds and is done on an annual basis which Logan City Parks and Recreation applied for this year. They have received notification from the County on a number of those which are listed in the proposed resolution totaling \$550,000.

This will be an Action Item at the August 4, 2009 council meeting.

Consideration of a proposed ordinance amending and repealing sections of the Logan Municipal Code regarding Firearms – 09-61 – Kymber Housley.

City Attorney Kymber Housley stated in 2008 the State Legislature passed the Uniform Firearm Law which states that local authority or a State entity may not prohibit an individual from owning, possessing, or purchasing/regulating firearms. Research shows that in 1999 the language was passed and was ignored at that time and municipalities no longer have the authority to regulate the possession of firearms. Logan City has not enforced this locally with our ordinance.

Chairman Swenson asked how many States have taken the authority upon themselves rather than allowing municipalities to make that decision.

Mr. Housley responded he did not know a number and that Utah is liberal in their gun laws in comparison to other States and now we are looking to repeal those ordinances. He stated that churches do have an exemption if they sign and give notice and the University of Utah lawsuit that took place is what started the movement to get this law off City books. Regarding sparrow guns, this is a low caliber rifle the size of a .22 and small pellets are used. This is a section of the ordinance that can be removed.

Chairman Swenson asked if we might want to consider sending a resolution to the State Legislature saying we would like to make our own municipal law regarding guns and she feels we should have that option to regulate guns in our own City.

Mr. Housley responded yes, other States do give the ability to regulate guns. If we take out sparrow guns and flippers then people can shoot pellet and BB Guns in city limits. The person would still be liable if damage or injury occurred.

Chairman Swenson would like to leave the wording in the ordinance regarding pellet and BB guns and suggested sending the legislature a resolution regarding gun laws.

Councilmember Quayle recommended removing the wording of sparrow and BB guns.

Mr. Housley will prepare a resolution to the legislature requesting that municipalities have the authority to regulate firearms.

Councilmember Quayle addressed the issue of agriculture lands North of 1800 North and feels the language should be changed regarding boundaries.

Councilmember Pyfer asked about switchblades and asked can someone carry a pocket knife in city limits.

Mr. Housley said this is regarding a switchblade that looks like a pocketknife.

OTHER CONSIDERATIONS:

Councilmember Monson announced that he has a DVD of Logan's 150 Year Sesquicentennial and it will be available in the library for people to check out.

Councilmember Monson referred to information from a Herald Journal article regarding library cards that have been purchased by residents in the unincorporated area of the County.

Councilmember Monson reported that the English Language Center has moved into their new facility which is the old Davisco building. The building became available from a donor in Salt Lake City. They will make renovations and will be able to provide service to more people. He feels the Center provides a great service for the community and encouraged everyone to go and see their new building.

There being no further business to come before the Council, meeting adjourned at 7:00 p.m.

Teresa Harris, City Recorder