

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 7, 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, Mayor Randy Watts and City Recorder Teresa Harris.

OPENING CEREMONY. Public Works Director Mark Nielsen read a thought and led the audience in the pledge of allegiance.

Chairman Swenson welcomed those present. There were 25 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from June 16, 2009 were reviewed and approved.

Meeting Agenda. The meeting agenda was approved. Chairman Swenson announced at tonight's meeting there would be three public hearings: Consideration of a proposed ordinance for a rate increase for booting companies, Consideration of a proposed ordinance adopting required registration and permit for cats, Consideration of a proposed resolution approving an increase for the Animal Licensing Fees and Start Licensing cats in the City of Logan.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Citizen Paul Howell with Triple H Properties addressed the council regarding the park strip in the Adams Neighborhood. He said with the removal of the park strips, two of his properties were affected leaving his tenants no place to park their vehicles. Mr. Hall proposed that in exchange for four parking permits in this area, he will add a sprinkling system and will maintain the area of lawn at his own expense.

Chairman Swenson asked that Mr. Howell give his contact information to Community Development Director Jay Neilson and he will respond to this proposal.

Citizen Robert Davies addressed the council regarding the park strip in the Adams Neighborhood. He appreciates the city council's approach to improve the neighborhood and realizes that some people are happy and others are not. Regarding the licensing of rental units, he doesn't have complaints with people parking in the park strip and he prefers this rather than having the cars on the street. The result for him has been degradation and he feels it will discourage single family ownership. He proposed that a year from now, the council should review the park strip program and determine if this program is accomplishing what it should in the neighborhoods.

Citizen Jared Smith is a firearms owner and he stated that in January 2009 he informed Logan City they were in violation of laws not being enforced regarding firearms. He feels law enforcement officers believe these laws to be valid and enforceable and this is a concern. He has filed a formal complaint to the Attorney General's Office and they responded back to him that this laws needs to be changed. He would like to convey to the City Council and Mayor of his and other's concerns for these laws and would ask that they be amended as soon as possible. He would like clarification on these laws and would request from the council a timeline of when this law will be changed. He is not aware of any citations that police have given to citizens.

City Attorney Kymber Housley responded that he has a draft ordinance ready to go and is waiting for any changes from the police department before moving forward. He anticipates the ordinance will be on the council agenda the first meeting in August or the last meeting in July depending on the agenda items for those council meetings. Mr. Housley spoke with the Attorney General's office and Logan City will repeal this ordinance by the end of the year. The new law states that cities cannot regulate firearms, what we enforce will be State law. Churches and schools can prohibit firearms in their buildings.

Citizen David Fawcett addressed the council and stated as far as what the State has given other entities, they have given churches the ability to prevent firearms and they need to register every year. Hospitals and others have not been given the ability to prevent firearms.

MAYOR/ STAFF REPORTS.

Mayor Watts gave an update on the move into the new City Hall building. The Justice Court has moved to their new location and Utility Billing and Public Works are moving at this time. Council meeting will be held in the new Council Chambers beginning August 18, 2009.

Mayor Watts announced that the irrigation pipe in the mouth of Logan Canyon has been removed which has made a visual improvement of the canyon.

Chief Russ Roper thanked all of the various agencies that helped with the Cruise-In and Fireworks this past weekend.

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, July 21, 2009.

ACTION ITEMS:

PUBLIC HEARING: Consideration of a proposed ordinance for a rate increase for booting companies – 09-55.

Chairman Swenson opened the meeting to a public hearing.

City Attorney Kymber Housley addressed the council regarding the posting of signs in parking lots. The current ordinance talks about regulating an entire parking lot and he read from Section I-A-III. The language that was added which states that you can place a sign within eight feet of the entrance of the parking lot or it can be placed between every other parking stall. This is a choice made by the property owner on where they want to post their signs.

There were no comments and Chairman Swenson closed the public hearing.

Councilmember Pyfer made a motion to remove the proposed fee increase of \$75.00 and leave at \$70.00 and pass the ordinance with the signage change. Seconded by Councilmember Olsen.

Dennis Shaw with Cache Auto Booting Service asked the council for the rationale of not approving the fee increase at this time.

Councilmember Quayle strongly feels that fees should not be increased at this time.

Councilmember Monson also feels strongly that USU students feel this is currently a very high fee and he doesn't want to raise the fee at this time.

Chairman Swenson stated that she supports the fee increase on the basis that it's within the \$5.00 maximum that the council has been given and there is validation for increasing the fee. She would like to address the fee increase now rather than later.

ACTION. Motion by Councilmember Pyfer to remove the fee increase of \$75.00 and leave at \$70.00 and pass the ordinance with the signage change. Seconded by Councilmember Olsen to amend Res. 09-55 as presented. Motion carried 4-1 with no fee increase and adding the signage change (Chairman Swenson approved the fee increase).

PUBLIC HEARING: Consideration of a proposed ordinance adopting required registration and permit for cats – 09-53.

Police Captain Tyson Budge reviewed the proposal and said that most cats are euthanized because in most cases the owner of a cat cannot be located. Enforcement is done on a complaint basis. The average cost for housing and euthanizing cats and dogs per year is \$29,500. The cost for dogs is more but most all cats are euthanized because an owner cannot be located.

Chairman Swenson supports this ordinance because it helps to fund the animal control program. She does have an issue with the "at large" statement because she feels it will be very difficult for people to put their cat on a leash when they are outside.

Captain Budge stated there are problems with cat's biting and scratching and also causing problems in someone's garden. The proposal came about because of the cost and he is proposing to offset these costs for the City.

Councilmember Quayle said he talked with a North Logan resident and he doesn't agree with licensing a cat and 15% of cats in that area are licensed and it is practically un-enforceable. He feels we should promote responsible pet ownership.

Mayor Watts feels that the cat situation in Logan will get worse in neighborhoods where there is higher density and we will have more issues with cats in the future.

Chairman Swenson opened the meeting to a public hearing.

Citizen Shannon Thurston addressed the council. He has four cats and they are all spayed, neutered and have been vaccinated. His cat was recently impounded by animal control and he got on the police blotter website and was able to find his cat. He asked the Animal Control officers about chipping his cat and they said if the cat was chipped then he would get a citation for animal at large rather than pay the \$10.00 for getting the cat out of impound. He suggested that Logan City should have a chipping system and have the Humane Society provide this service. He feels that tags and leashes will not work for cats because they can get caught on a fence and be harmed. He feels that chipping is the answer when the owner registers their cat or any other animal.

Whitney Milligan addressed the council and said she has three cats and three dogs and she feels it's very important to spade and neuter cats and license them. She also has all of her cats chipped and would like to make sure that if any cat is picked up in Logan City they should be scanned and the correct owner located.

Chairman Swenson closed the public hearing.

Captain Budge verified that Logan City Animal Control officers have the ability to scan animals and see if they are chipped. Veterinarians and the Cache Humane Society also have scanners.

Councilmember Olsen suggested that Captain Budge could meet with those who have concerns about this issue and discuss further. This will be presented at a future council meeting.

ACTION. Motion by Councilmember Olsen to table Ord. 09-53 at this time. Seconded by Councilmember Pyfer to table Ord. 09-53 as presented. Motion carried unanimously.

PUBLIC HEARING: Consideration of a proposed resolution approving an increase for the animal licensing fees and start licensing cats in the City of Logan – 09-46.

This ordinance will be tabled at this time.

Consideration of a resolution supporting limitations on excessive payday lending interest rates – 09-54.

The proposed resolution states that *Logan Municipal Council supports the request that State Legislators and the Governor of Utah take action to prevent excessive payday lending interest rates in the State of Utah. That the Legislators representing the State of Utah are requested to take action in connection with the next regular session of the Legislature of Utah to enact laws that will prevent further exploitative interest rates for payday loans, including but not limited to enactment of an annual interest rate cap of 100% or below for any payday loans made in the State of Utah.*

Councilmember Pyfer asked are there other things we want the State Legislators to look at in regulating payday lenders or simply just the interest rates.

Chairman Swenson responded this is the resolution that was e-mailed to her and it only addressed the issue of interest rates.

ACTION. Motion by Councilmember Monson seconded by Councilmember Olsen to approve Res. 09-54 as presented. Motion carried unanimously.

WORKSHOP ITEMS:

Cat Feeding of feral population – Whitney Milligan.

Whitney Milligan addressed the council. She proposed to further amend the proposed ordinance adding to the term “owner” and creating Subsection D in the current ordinance.

She talked about the TNRM Program (Trap, Neuter, Release, Maintain) and the process of how this is done. She feels there are too many cats and she is proposing the TNRM Program for feral cats in the community. There is a cost on the front end to get all the cats neutered but there is a savings afterward in having fewer feral cats. The Utah State Housing Department has implemented a program called “Aggie Cats”. They pay for the spade and neutering of cats through fundraising done on campus and have reduced the feral cat population on campus. She proposed community outreach to get cats spayed and neutered and reduce the number of feral cats in Logan and other communities. There are several feeding stations on campus and this helps determine how many cats are in the area and which ones have their ear “tipped” which identifies the cats that have been spayed and neutered.

Councilmember Olsen suggested that \$1.00 per year could be added to the license fee for cats and create a fund go towards the feeding and neutering costs of feral cats.

Ms. Milligan will continue working with Captain Budge on this issue and will come before the Council at a future meeting with a proposed ordinance change.

Chairman Swenson asked Captain Budge to provide to the Council a list of all costs associated with receiving a call on a cat from beginning to end.

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 – Richard Anderson.

Finance Director Richard Anderson addressed the council regarding the two proposed grants. This will be an action item at the July 21 council meeting.

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

Public Works Director Mark Nielsen addressed the council regarding the closure of 2000 West at Highway 89-91 for a cul-de-sac project. This is currently a through intersection and UDOT is proposing a cul-de-sac instead for safety reasons.

Darrin Duersh from UDOT addressed the council regarding this proposed project. He stated there have been discussions with residents and there hasn't been any opposition to this project.

Councilmember Olsen stated that the closure on the northwest side is appropriate but the closure on the southeast is not appropriate until the corner can be squared. There are safety concerns if this project is not done. He would like the corner to be addressed; the residents don't want the road closed until the corner problem is corrected.

Mr. Duersh stated the money used on 3200 in Nibley was an earmark. Construction costs went up and the road was not completed. Based on the corridor agreement that has been done, there will be a signal at 3200 when it is warranted. This is not a State road and UDOT does not have any intention to square up the corner at this time. There are environmental concerns under the gas station in this area. If the intersection is changed it would be Logan City's responsibility and this will be a costly project. His concern is that a safety and cost analysis have been done and there is a real safety problem there right now. The dollars that we assume are related to crashes are more than the dollars related to congestion. The money is not available for 3200 but is available for the closure at 2000 West at Highway 89-91.

This will be an action item at the July 21, 2009 council meeting.

Consideration of a proposed resolution approving installation of a median and light at 100 West and Highway 89-91 – 09-58 – Mark Nielsen.

Mr. Nielsen addressed the council regarding a traffic signal at 100 West and Highway 89-91. A study was completed and the intent was originally golf course road and the nearest location a signal can be is 100 West at this time. The consultant recommend there only be a right in and right out turn on golf course road and have a raised median that will discourage people from making a left hand turn. With the traffic signal going in this will warrant a raised median.

Mayor Watts stated that we all know there is gridlock and there will be issues with emergency vehicles trying to get over and around a raised median.

Mr. Duersch responded that once the light has been warranted at 100 West the issue of raised medians has to be addressed. He feels this is absolutely necessary in this area due to the high number of accidents. In this case, it is a 100% safety issue for the light to go in. The difference here is there is a demand for a city street and not a business. From his perspective they can maintain as much business access as necessary and this will be addressed but businesses will be impacted. The traffic light and median will go in this fall and they will go in simultaneously. The design will be done in-house. It will be a back to back raised median and will not have landscaping. Property owners will be contacted and given information on what will be done.

Additional information on the design of this project will be provided at the next council meeting on July 21, 2009.

OTHER CONSIDERATIONS:

Councilmember Olsen asked about an anti-idling ordinance change.

City Attorney Housley said Logan City currently has this ordinance in place when a vehicle is unattended.

Councilmember Olsen would also like to address vehicles that are attended in regards to air quality.

This item will be added to the Council-In-Progress list.

There being no further business to come before the Council, meeting adjourned at 7:30 p.m.

Teresa Harris, City Recorder