

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 16, 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: Senior City Attorney Lee Edwards, Mayor Randy Watts and City Recorder Teresa Harris. City Attorney Kymber Housley excused.

OPENING CEREMONY. Logan City Police Department Captain Tyson Budge 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 2, 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 six public hearings: Consideration of a proposed ordinance repealing the prohibition on Sunday Beer Sales, Consideration of a proposed Land Development Code Amendment to change the Density within the MFV Zone from 32 Units per acre to 36 Units per acre, Two Budget Adjustments, Consideration of a resolution approving the Revenue Budgets for FY 2009-10, Consideration of a resolution approving the Expenditure Budgets for FY 2009-10 and Consideration of a proposed resolution approving the Redevelopment Area Budgets for FY 2009-10.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Citizen Gary Joy thanked the City Council, former City Councilmember Steve Thompson and the City administration for all the work they do to make the valley beautiful. He feels the rate increase on booting is the effect of the cost of business and the citizens should not have to pay for an increase and the cost should be between the booting company and those areas that want booting services.

Mr. Joy feels that cats help with the problem of mice in neighborhoods and he feels that cats are not a problem. He thinks it would be a lot of work to license a cat and would hope that the council does not change this ordinance.

Spencer Lee, Executive Vice President of Student Body from Utah State University addressed the council. He stated that he has been receiving the council minutes and he feels the booting issue applies to Utah State and affects many students. The fraternity and others appreciate the booting service however, he has found that \$70 which is the current amount is in the higher category and has found it as low as \$25 across the State of Utah which varies from \$25 to \$80. He would consider that these other booting companies are

operating and making it work with lower rates than what is currently being charged. Students feel that \$70 is a very heavy fee and it should not be increased.

MAYOR/ STAFF REPORTS.

Mayor Watts distributed a list of information with the dates and schedule of the move into the new City Hall building. Phone numbers will remain the same. When all City Hall departments have moved there will be a public open house.

Downtown Parking Structure – Steve Thompson. This agenda item will be postponed to a future council meeting.

Presentation for Steve Thompson – Councilmember Pyfer presented Steve Thompson with an art piece and recognized him for his 14 years of service on the Municipal Council. She also thanked his wife Tamra Pluth for her support of Steve while serving on the Council.

Steve Thompson thanked the Council. He began serving on the Council in 1996 and has been through a lot of issues and decisions while serving.

Mayor Watts thanked Steve Thompson for his service and sacrifice while serving on the Council.

Chairman Swenson also thanked Mr. Thompson and welcomed Dean Quayle who will replace Steve Thompson as an interim Council Member.

Chairman Swenson thanked Councilmember Pyfer and Monson for their work on the Logan City Sesquicentennial Celebration. The program can be viewed on the Logan City website at www.loganutah.org.

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 7, 2009.

ACTION ITEMS:

Consideration of a resolution on Elected Official's Wages FY 2009-10 – 09-42.

No public hearing was held.

ACTION. Motion by Councilmember Monson seconded by Councilmember Pyfer to approve Res. 09-42 as presented. Motion carried unanimously.

Consideration of a resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2009-10 – 09-43

No public hearing was held.

ACTION. Motion by Councilmember Monson seconded by Councilmember Olsen to approve Res. 09-43 as presented. Motion carried unanimously.

PUBLIC HEARING: Consideration of a proposed ordinance repealing the prohibition on Sunday Beer Sales – 09-52.

Chairman Swenson opened the meeting to a public hearing.

Citizen Jeremy Threlfall addressed the Council. His concern is the 1:00 a.m. time and feels at that hour people will be tired and mixing alcohol it could cause more car accidents and dangers. He does not have a problem with the remaining ordinance just the 1:00 a.m. time.

Business owner Mooch Spackman addressed the Council and asked for the Council's help and approval of this ordinance.

Chairman Swenson closed the public hearing at this time.

Councilmember Pyfer stated that she has received feedback for and against the alcohol issue. She will support the ordinance as a political leader and not impose her personal beliefs on the alcohol issue. She feels leveling the playing field for the business owners is important to Logan City.

Councilmember Olsen stated that he has done a lot of public outreach and he thought there would be a much higher public interest. The vast majority has not opposed the ordinance change and hasn't received any that have directly opposed. There are more that favor the change. Based on the public input he has received he would support this ordinance.

Councilmember Quayle doesn't feel it will have any affect on prohibition and keeping alcohol away and the Council should consider agency and he would be in favor of supporting the ordinance change.

Councilmember Pyfer feels strongly that people come to Cache Valley because we are different and year after year we change to become like everyone else and maybe this "quirky law makes us different and safe." All the changes dilute or change what Cache Valley is and why we are here. Encouraging diversity and acceptance in the community is important and won't change us toward the negative.

Councilmember Olsen said the Council hasn't received input from law enforcement on this issue. He feels that in one year's time he would like a report from law enforcement to see if this repeal has been a positive or negative change in terms of enforcement of additional problems related to alcohol. He requested this ordinance be reviewed in one year.

Chief Roper stated the police department is not taking a position on this issue and will watch to see if things change during the year.

Councilmember Monson stated there are several problems with tobacco and alcohol and he feels this is a real problem in society.

Chairman Swenson sees this as a non issue because we are not the first City in Cache Valley to make this change; it is already available in other communities.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Swenson to adopt a repeal to the prohibition of Sunday Beer Sales – 09-52 as presented.

Councilmember Monson abstained stating that he cannot vote for anything regarding to alcohol. Motion passed 4-1 (Monson abstained).

PUBLIC HEARING: Consideration of a proposed Land Development Code Amendment to change the Density within the MFV Zone from 32 Units per acre to 36 Units per acre – 09-48.

Chairman Swenson opened the meeting to a public hearing.

Citizen Mark Haws addressed the Council and said he is against this change and feels this property should remain and kept as open space.

Citizen John Brandley stated he is a property owner in the high density area and is here in Logan because of the way it is. Pushing the density up by USU will make a better City and will address parking issues. Doing this project will allow students to be closer to USU and walk rather than drive. He feels this project is in line with what the City wants to accomplish with the Master plan.

Chairman Swenson closed the public hearing.

Community Development Director Jay Nielsen addressed the Council and said the concern is that we don't want this kind of density now. We have a new code that will address this but already there are two districts that would open up a higher density and this is not a risk the City should take. A new code is 90% complete it has gone through a review with staff and meetings with consultants to make changes. Once that occurs, there will be additional work in house and it will then go to public hearings and to the Council. This is a public process and within one year the new code will be completed.

Councilmember Olsen asked couldn't there be an application for a variance just for this area?

Senior Attorney Lee Edwards said this project does not allow for a variance.

Mr. Nielson said they are proposing to do a water line and asking for payback on the water line. It is not common for the City to payback developers needs for services. Impact fees are not something the City can waive unless there is an immediate funding source.

Chairman Swenson feels this entire discussion is inappropriate. The Council should look at the zoning and not the partial payment of a water line or anything else. This needs to be done in a uniform way and not one particular project in one area. We do want high density but it needs to be done by the code.

Mr. Nielsen stated the design of this project would change measurably with the new code.

Councilmember Olsen said if it's currently zoned for 10 units and the actual capacity for Logan City isn't there with the infrastructure to attach to a water line. He asked do we have a legal duty to provide water to that area.

Attorney Edwards responded that he does not know the answer to that question but feels we do not have a legal duty.

Chief Mark Meaker said there is no exception to the fire code on water and sprinklers for apartment buildings. The fire department will not sign off on any building project that does not have the capacity to provide water for sprinklers.

ACTION. Motion by Councilmember Monson seconded by Councilmember Olsen to approve Res. 09-48. Motion did not pass 2-3 (Quayle, Swenson and Pyfer).

PUBLIC HEARING: Budget Adjustment FY 2008-09 appropriating: \$41,526 for the Police Department Recovery Byrne Grant; \$27,489 for reimbursement on the Boulevard Trail Grant; \$76,752 for use of Narcotics Forfeiture money – 09-49.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

ACTION. Motion by Councilmember Pyfer seconded by Councilmember Monson to approve Res. 09-49. Motion carried unanimously.

PUBLIC HEARING: Budget Adjustment FY 2008-09 appropriating: \$9,776 for carry forward of the 21st Century Grant – 09-51.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

ACTION. Motion by Councilmember Monson seconded by Councilmember Quayle to approve Res. 09-51. Motion carried unanimously.

PUBLIC HEARING: Consideration of a proposed resolution tentatively approving the Revenue Budgets for FY 2009-10 – 09-44(1) Revised.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

Finance Director Richard Anderson distributed a revised resolution to the Council with information he received from Cache County regarding property tax.

Mayor Randy Watts read a budget letter that was given to the Council Members during the budget hearings.

*Mayor Randy Watts
Budget Report to the Logan Municipal Council
May 5, 2009*

Another Budget year is upon us and like everything else in life, change is continuous. The State of Utah is experiencing some economic uncertainty, as is Cache Valley and the City of Logan. Sales tax revenues have declined and we are dealing with less revenue than in the prior fiscal year. But thanks to the cooperation of all city departments we have been conservative and efficient and are prepared for times like these.

In this new budget year we have been conservative in revenue projections. Capital projects have been reduced, and in general fee increases have been avoided. With all of these changes I am confident we can maintain our employment and current staff through the coming year. As always we will continue to look for ways to increase productivity as we move ahead in the 2009-2010 budget year.

When the economy improves we will first need to replenish our rolling stock and capital project budgets. We will also review fees and charges, specifically electrical rates to maintain our aging infrastructure in our enterprise funds. The City of Logan is in good financial position. We will weather this economic storm and will emerge from it stronger and more efficient.

As Mayor of Logan City, I appreciate the efforts put forth to be United in Service for the benefit of the citizens of Logan.

Thank you.

ACTION. Motion by Councilmember Pyfer seconded by Councilmember Monson to tentatively approve Res. 09-44(1) Revised. Motion carried unanimously.

PUBLIC HEARING: Consideration of a proposed resolution tentatively approving the Expenditure Budgets for FY 2009-10 – 09-45(2) Revised.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

ACTION. Motion by Councilmember Pyfer seconded by Councilmember Monson to tentatively approve Res. 09-45(2) Revised. Motion carried unanimously.

WORKSHOP ITEMS:

Rate Increase for Booting Companies – Dennis Shaw: Cache Auto Booting Service.

Dennis Shaw addressed the City Council on the booting issue and explained that Logan City regulates the booting service. The booting company currently accepts credit cards and it has become very expensive for them to do so. He feels it doesn't seem appropriate for his company to absorb these costs when they are not required to pay the credit card fees. He feels the person that has incurred the \$70 fee should pay the credit card costs. He requested a \$5.00 increase to offset the costs for the credit card fees. Any further increased would need to go through the State Legislature.

Councilmember Monson asked why is the City involved in this issue when the booting is done on private property.

Senior Attorney Edwards responded the current ordinance regulates and puts restrictions on booting companies as with other businesses that could cause a police response.

Chairman Swenson stated this is protection for Logan City and the people who are booted.

Councilmember Pyfer said that because of the nature of this practice the State allows it be regulated by municipalities. The Council was approached by USU students to regulate booting.

Attorney Edwards added that many other Utah cities have regulations for towing and booting. It is not uncommon in Cities or in State law.

Mr. Shaw stated the property owners are the ones who have to protect their property. The difficult part he deals with has nothing to do with the regulations of how they do business. There are regulations in how much they can charge which no other business in Logan has to deal with and if have to abide by the ordinances that are required they need to increase the rate to \$75.00 to offset their cost of accepting credit card payments. Each credit card is has different fees and in order to accept a credit card they have to use an intermediary company to run all credit card transactions through. Accepting credit cards has really helped the students and his business.

Councilmember Monson asked does every University town have this same issue with parking and booting ordinances.

Mr. Shaw responded there are several cities that have booting services. There are three booting services in Logan. Provo City is also proposing an increase in fees.

Attorney Edwards said the State law capped the fee at \$75.00 for booting fees.

Mr. Shaw said he hasn't talked with his competitors about the proposed increase. His company lost money last year due to the increased fuel charge. They operated the entire year in the negative. His position is the only one in an administrative capacity. He has to pay his drivers the additional costs in fuel or he would not have anyone working for him.

Finance Director Richard Anderson said he is interested in how the booting business keeps going, operating in the red for an entire year. He feels there is validity in the increased costs and says there is a lot of advantages with credit card payments. Some of that cost is not a negative because money is collected. As far as the fuel charge, it has increased but going back five years fuel prices are not that high in comparison.

Mr. Shaw stated the issue of expenses of the company is a concern. He is concerned about the mandated increased costs from Logan City and he cannot pay these additional costs. He does not accept checks and before credit cards, only cash was accepted. Chairman Swenson announced this will be an Action Item at the July 7, 2009 council meeting.

Consideration of an ordinance adopting required registration and permit for cats – 09-53 – Tyson Budge.

Police Captain Tyson Budge distributed information on the proposed ordinance requiring registration for cats. The purpose is for the health and safety of stray cats that are caught. There are opponents that do not want feral cats and that can be addressed at a future meeting. Logan City has some of the most lenient laws regarding animal licensing. He feels this ordinance will promote responsible pet ownership.

Police Chief Russ Roper stated that another driving force is the ability to return the cat to their owner.

This will be an Action Item at the July 7, 2009 council meeting.

Consideration of a resolution approving an Increase for the Animal Licensing Fees and Start Licensing cats in the City of Logan – 09-46 – Tyson Budge.

This will be an Action Item at the July 7, 2009 council meeting.

OTHER CONSIDERATIONS:

Councilmember Jay Monson stated he recently attended the American Public Power Association meeting and said he really appreciates Logan City's power department and feels we are very competitive with our rates. He is also supportive of nuclear power.

ADJOURN to meeting of Logan Redevelopment Agency.

ACTION ITEM.

PUBLIC HEARING: Consideration of a proposed resolution approving the Redevelopment Area Budgets for FY 2009-10 - 09-47 RDA.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

ACTION. Motion by Councilmember Monson seconded by Councilmember Pyfer to approve Res. 09-47 RDA. Motion carried unanimously.

ADJOURN to meeting of Logan Municipal Council Meeting.

Finance Director Richard Anderson announced the Revised Budget that was voted on earlier tonight should be listed as “tentatively adopted”. There will be a tax hearing on August 2, 2009 at which time the budget will be formally adopted.

There being no further business to come before the Council, meeting adjourned at 7:10 p.m.

Teresa Harris, City Recorder