

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 2, 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, and Herm Olsen. Administration present: City Attorney Kymber Housley and City Recorder Teresa Harris. Mayor Randy Watts excused.

OPENING CEREMONY. Economic Development Director Kirk Jensen led the audience in the pledge of allegiance and offered the prayer.

Chairman Swenson welcomed those present. There were 11 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from May 19, 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 three public hearings: Budget Hearing, Logan City Budget Transfers FY 2009-10 and Consideration of a resolution approving the Community Development Block Grant Recovery Act (CDBG-R) Amendment to the 2008-09 Annual Action and approve for submission to the U.S. Department of Housing and Urban Development.

Item D under Workshop Items will be discussed at a future council meeting.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

No comments for the Mayor or Council from the audience.

MAYOR/ STAFF REPORTS.

Chairman Swenson excused Mayor Randy Watts who is out of town this evening.

Economic Development Director Kirk Jensen – Board Appointment.

Kirk Jensen introduced Zane Woolstenhulme as a replacement for Cindy Bilskie Hall to serve on the Economic Development Committee. Mr. Woolestenhulme is the Business Administrator at the Logan City School District.

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, June 16, 2009.

Chairman Swenson announced the council is accepting applications for the Interim Council position replacing former Councilmember Steve Thompson. A closed session will be held Friday, June 5, 2009 beginning at 8:00 a.m. in the Council Chambers along with a public meeting to announce the new council member.

Councilmember Pyfer announced the Sesquicentennial event that will be held Saturday, June 6, 2009. There will be several events going on throughout the day. There will be a program Saturday evening at 7:00 p.m. in the Tabernacle. Former Mayor and Council will attend along with State dignitaries.

Free Aggie Ice Cream will be served at 1:00 p.m. at the Tabernacle courtesy of the Logan Municipal Council.

ACTION ITEMS:

PUBLIC HEARING: Budget Adjustment FY 2009-10 appropriating: \$20,300 for the creation of the 600 West Special Improvement District (SID); \$18,963 for the Library's 2009 CLEF Grant; \$3,000 for Community Development's CLG Grant; \$25,000 for Logan City Fire Department reimbursement for services provided in California, reimbursement will go towards vehicle maintenance – 09-41.

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. 09-41 as presented. Motion carried unanimously.

PUBLIC HEARING: Logan City Budget Transfers FY 2009-10.

Finance Director Rich Anderson announced that a public notice was sent to all customers of the Logan City Utility Fund which includes those inside and outside Logan City. The following approximate FY 2009-10 transfers will be made:

From Water & Sewer Fund to General Fund	\$ 705,120
From Electric Fund to General Fund	\$2,845,512
From Environmental Fund to General Fund	\$ 855,392
From Sewer Treatment Fund to General Fund	\$ 302,080

Transfers represent movement of monies from one fund to another, which are not considered reasonable allocations of cost of services provided.

As a policy, the City transfers 8% of operating revenues in any given budget year from the general fund. This is based on budget so the City try's to be conservative in budgeting for revenues. All enterprise funds are competitive with other entities that provide the same service.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

PUBLIC HEARING: Consideration of a resolution approving the Community Development Block Grant Recovery Act (CDBG-R) Amendment to the 2008-09 Annual Action and approve for submission to the U.S. Department of Housing and Urban Development – 09-50.

CDBG Coordinator Gay Jamieson explained the amendment to the Annual Action Plan. Using the funding for sidewalks was discussed which would complete 12 blocks of sidewalk that will be ADA compatible. James Geier from Community Development will be the project manager on the dispersement and completion of the project. Other uses for this money have not been researched at this time.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments, the hearing was closed.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Monson to approve Res. 09-50 as presented. Motion carried unanimously.

WORKSHOP ITEMS:

Sunday Beer Sales – Brent Miller.

Brent Miller introduced a proposal for a change in a City ordinance to allow beer sales on Sunday, which the current ordinance prohibits. Mr. Miller distributed a letter explaining the benefits of allowing beer sales on Sunday such as increased tax revenue and customers going outside of Logan to purchase beer.

City Attorney Kymber Housley stated this would require a repeal of the current ordinance to allow for beer sales on Sunday.

Chairman Swenson stated that she contacted Macey's and Lee's grocery stores who are not open on Sunday and they stated the affect would be negligible for them to allow Sunday beer sales. She said this would issue will be on the June 16 council agenda as an Action Item. City Attorney Housley will prepare a repeal to the ordinance.

Councilmember Monson stated his personal concern about the purchase and consumption of alcohol. He feels that alcohol abuse is major concern for society.

Consideration of a resolution approving an adjustment to Elected Official's Wages FY 2009-10 – 09-42 – Bruce Adams.

Chairman Swenson stated the Elected Official's Wages will remain the same, no adjustment will be made.

This will be an Action Item at the June 16 council meeting.

Councilmember Pyfer suggested the current resolution be repealed because it is addressed during the budget process.

City Attorney Housley will prepare a repeal to resolution 09-42.

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

Human Resource Director Bruce Adams explained the proposed resolution. He stated that two years ago the Internal Revenue Services recommend that 100% of member contribution be made by the City and be done through a formal resolution.

Chairman Swenson stated that she called the State regarding this issue and they said that a lot of cities pick up 100%. She asked to what percent do these entities contribute to these two plans.

Mr. Adams stated there are some cities that don't pay 100% on the contributory system but he is not aware of any. For the defined benefits all cities pay 100% and they do not have an option.

Consideration of a resolution approving Fee Increase for Animal Licensing – 09-46 – Tyson Budge.

This proposed resolution will be discussed at the June 16 council meeting.

Consideration to amend the Land Development Code to change the Density within the MFV Zone from 32 Units per acre to 36 Units per acre – Russ Holley.

Community Development Planner Russ Holley explained the proposed amendment change. The project is Concord Apartments and is located at 828 North 700 East. Currently zoning is mutli family very high. The Planning Commission unanimously recommended denial of the proposed text amendment to the Land Development Code, staff also recommended denial. They are proposing going above 32 Units per acre. If the proponents would scale back to 32 Units it could be approved. Parking would be adequate for this project and they would also need to address the placement of dumpsters.

This will come back as an Action Item at the June 16 council meeting.

Budget Adjustment FY 2009-10 appropriating: \$41,526 for the Police Department Recovery Byrne Grant; \$27,489 for reimbursement on Boulevard Trail grant; \$76,679 for use of Narcotics Forfeiture money – 09-49 – Rich Anderson.

Finance Director Richard Anderson explained the budget adjustment. This will come back as an Action Item at the June 16 council meeting.

3200 South Hwy 89-91 – Mark Nielsen.

Public Works Director Mark Nielsen said that he contacted UDOT regarding 100 West and UDOT stated this area does warrant a traffic signal and it will be installed later this summer and is in this year's fiscal budget.

Regarding 3200 South Hwy 89-91, UDOT has developed a plan to cul-de-sac the two areas at 2000 West to eliminate the intersection on the highway. They will provide access to all driveways. UDOT has talked with the property owners and haven't received any concerns. From a traffic standpoint this change will improve safety for the neighborhood. This is not a Logan City project but UDOT would like the council's approval on this project. He will suggest to UDOT that the North cul-de-sac be moved back further away from the highway.

Park Circle Infrastructure Request – Mark Nielsen.

Public Works Director Mark Nielsen said a proposal has been submitted and it needs to be considered by the Council. Park Circle is across from the Aquatic Center at approximately 535 West. This is an L shaped subdivision and the request is they would like Logan City to take over the water line and the access street. This area currently has a private water line and they are having problems and the water line needs to be replaced. The street would have to be widened to 20 feet and a water line and hydrants installed. The two issues and the reasons we have not said no at this time is the lack of fire hydrants and access for emergency vehicles. They have a very unreliable water line and everything has to be brought up to code before the City would consider assisting them. They will have to do a Special Improvement District to bring the roads up to code and would no longer be a private development.

Councilmember Pyfer disclosed that her neighborhood in Country Manor is preparing information to petition Logan City for a similar concern and they are trying to get all of their roads up to code so the improvements can be made.

Mr. Nielsen said the construction estimate for the improvements is \$150,000 for street and water. Their sewer line is in good condition at this time. Split among seven homes the cost is \$20,000 per home, on a ten year loan at 3% the payment would be \$2,365 per year.

Finance Director Rich Anderson said we currently have four improvement areas and in discussion with the County they agreed to collect them through property tax and we agreed to keep it under five projects. There are ways to handle this without going through property taxes but they are very time consuming and would require more staff to assist with the process.

Mr. Nielsen said the State of Utah requirements for private water utilities have a point where the City is responsible up to a certain point. The requirements for a public water systems are a system that serves 25 people or more for more than six months of the year.

Councilmember Pyfer said all of these individuals are paying property tax which goes to roads and they are not getting the benefits in their neighborhood. She asked can the fees be added to the City utility bill.

City Attorney Housley said there are different ways to do this but the City would like it to stay on the property tax so it can be easier collected if needed.

Mr. Anderson will contact Cache County and ask what they would be willing to do. He will come back to the Council with a proposal of what can be done. We are charging a 10% administration fee at this time.

City Attorney Housley stated that one of the other complications is the change in the law with Special Improvements Districts with an assessment area. This needs to be researched further to see what the implications will be for the City.

Councilmember Olsen asked is the City addressing the issue and are we still approving models and subdivision which 20 years from now will have problems.

Mr. Nielsen said the biggest scare with developers now is the water system if they have more than eight connections. There are still private roads being installed and the contractor has to make a deposit of 10% ahead of time that is put into escrow to pay for any future improvements.

Chairman Swenson stated if the residents can fund the project other than through Logan City and bring the roads up to code the Council would consider their proposal. Mr. Nielsen will bring this back to the Council at a future meeting.

OTHER CONSIDERATIONS:

Update: UDOT Meetings on 10th West – Jay Monson.

Councilmember Monson stated that meetings with UDOT went well and several residents attended. UDOT is proposing to purchase homes on the West side of 10th West. It was suggested that UDOT purchase the homes and a frontage road be built which will give north/south access for the residents on 200 South. The residents don't want a large wall built but would like a fence/barrier and would like it landscaped. UDOT likes this proposal and 10th West would be wide enough for five lanes and wider shoulders.

Public Works Director Mark Nielsen explained the different options that UDOT proposed. He feels that UDOT was really listening to the residents, their concerns and suggestions. Logan City will need to be wary that UDOT may say yes, we will do this bigger section but the term betterment applies and it could be a 100% Logan City cost. They did not imply that any of this would be a betterment cost but this is something we need to watch and understand could happen. Logan City would maintain the frontage road.

Chairman Swenson said this is when we need a Special Improvement District for maintenance.

Councilmember Pyfer announced that former councilmember Loye Martindale passed away, his funeral is scheduled for Friday, June 5.

ADJOURN.

There being no further business to come before the Council, meeting adjourned at 6:50 p.m.

Teresa Harris, City Recorder