

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 17, 2009 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, Logan, Utah, Chairman Laraine Swenson conducting.

Council members present: Laraine Swenson, Stephen C. Thompson, Tami W. Pyfer, Jay Monson and Herm Olsen. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

OPENING CEREMONY. Council Chairman Laraine Swenson offered the prayer and led the audience in the Pledge of Allegiance.

Chairman Swenson welcomed those present. There were 15 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from March 3, 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 regarding a proposed budget resolution and two CDBG resolutions.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Tashina Meaker addressed the Council and introduced an awareness campaign "***Spread the Word to End the Word***". She encouraged everyone to spread the word and refrain from using the word "retard" in their vocabulary. For more information and to pledge not to use the "r" word, go to www.r-word.org.

MAYOR/ STAFF REPORTS.

Mayor Watts mentioned the City website and encouraged the Council to view the website and the updates that have been made. Mayor Watts expressed his appreciation to John Cox and Mike Christensen who maintain the City website. Councilmember Monson also expressed his thanks for those working on the website.

Mayor Watts said that as we get closer to moving into the new City Hall, a public open house will be scheduled. Moving into the new building will be done in stages and the move will begin to take place in one month.

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, April 7, 2009.

Chairman Swenson said there is a 5th Tuesday this month and there will be a Joint City/County Council meeting on Tuesday, March 31, 2009 beginning at 5:30 p.m.

Councilmember Monson stated that he would like to meet with the County Council and discuss a countywide library.

Councilmember Thompson would also like to talk with the County Council about the library and feels the critical issue for him is funding of a library and how it will all work.

Chairman Swenson asked the Council to get any agenda items to her. The County will host the March 31, 2009 joint meeting.

Tami Pyfer – Letter of support for the 10th West Neighborhood.

Neighborhood representatives Candace Crowther and Martha Arndt prepared a letter from the 10th West Neighborhood. Councilmember Pyfer read the letter to the council members which she proposed the council sign and send to Charles Mace, UDOT Project Manager. The following letter was read:

*Mr. Charles Mace, UDOT Project Manager
166 West Southwell Street
Ogden, Utah 84404*

RE: Logan 10th West Project and Property Acquisition

Dear Mr. Mace:

This letter is in follow up to meetings and dialogue we have had with Logan residents regarding the expansion of the 10th West Corridor. Beginning in November of 2008, we have met with individuals and groups of neighbors directly impacted by the proposed design. One of the more troubling issues expressed by residents in this area involve the proposed “off-corridor walkways” developed in their neighborhood – sidewalks which wind between and behind properties, intended to provide children safe walking routes to school and other destinations. The majority of residents have expressed strong opposition to this idea, citing concern over children’s safety, maintenance and funding, ownership rights, as well as protection for homeowners.

In an effort to address concerns for pedestrian safety and access while still allowing the project to appropriately meet growing traffic demands, these residents have proposed that the properties on the west side of 1000 West between 200 South and 600 South be acquired by UDOT. This acquisition of property would allow for the space needed to create the necessary travel lanes as well as park strips to provide motorist/pedestrian buffer zones and more effective snow removal.

Resident representatives have made contact with nearly all of the property owners in this particular section of the corridor where the impact of expansion will be the most significant. They have reported to us that out of these 17 property owners, 14 expressed their desire to sell their homes and one would like additional information. Of the remaining two homes, one is in foreclosure, and the other belongs to an out-of-state homeowner who has not responded to contact attempts.

As Logan City councilmembers, we unanimously lend our support to these residents, and propose that UDOT purchase these 17 properties. We realize the difficulties inherent in these times of economic upheaval, but we also recognize this singular opportunity to remedy significant problems that have resulted from planning mistakes of the past coupled with considerable growth. An approach which favors a design constrained by the width of the right of way may result in a far greater cost down the road, leaving future residents and UDOT to continue to grapple with these same issues.

Your thoughtful consideration in this matter is greatly appreciated.

Sincerely,

(Logan City Council Members)

cc: Vic Saunders, UDOT Public Involvement Manager

Kyle Comer, Consultant Project Manager

Mike Pepper, Public Involvement Lead

Martha Arndt, Citizens for Safety

Councilmember Olsen stated the safety of school children is the top priority. He asked if UDOT can't afford to purchase the 17 homes, wouldn't the parents of the children prefer the corridor method of getting the children back and forth to school.

Councilmember Pyfer said the residents are not supportive of the walkways and corridors through their backyards. This letter states that the Council supports and prefers that UDOT purchase the 17 homes and she feels there is nothing to lose by sending the letter.

Councilmember Thompson said that when the meetings were first held, UDOT gave the impression that those remedies would be taken care of and no properties would be affected. When UDOT came back with their design, based on their budget constraints, it wasn't what he had envisioned the plan to be.

Councilmember Olsen asked what if another neighborhood group along that corridor wanted similar considerations. The response was these homes on the West side are the only homes that are affected to this extent.

All five council members signed the letter and it will be sent to UDOT.

Chairman Swenson announced that this year's budget meetings will be coming up very soon and she would like performance measures from the service oriented City departments following the City of Minneapolis Model. She would like a one page summary showing efficiency measures, effectiveness measures and outcome measures. More information can be found on the Minneapolis website.

ACTION ITEMS:

PUBLIC HEARING: Consideration of a proposed resolution approving a budget adjustment appropriating \$40,000 for increased credit card fees due to increased use of online bill pay for utility bill customers – 09-25.

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. 09-25 as presented. Motion carried unanimously.

PUBLIC HEARING: Consideration of a resolution approving the CDBG 2009-10 Annual Action Plan, including projects to be funded – 09-28.

CDBG Coordinator Gay Jamieson said the proposed resolution is what will be done with the 2009-10 funding and how will the funding be guided over the next 5 years.

Chairman Swenson opened the meeting to a public hearing.

Councilmember Thompson mentioned that the council meeting is running ahead of the noticed time of the public hearing.

Chairman Swenson responded that the public hearing will wait and start at 6:00 p.m. She closed the public hearing. The meeting resumed with the Workshop Items.

WORKSHOP ITEMS:

Richard Anderson – Budget Adjustment FY 2009-10 appropriating: \$3,000 for a modification to the Crosswalk Grant; \$8,000 for increase in benefits expense due to a change in benefits after the FY09 budget was passed; \$2,100 for the use of donated money for the lighting of the Boulevard Trail project; \$3,609 for airport fire rescue training; \$2,000 for a modification to the Youth Alcohol Grant – 09-27.

Finance Director Richard Anderson explained the proposed budget adjustments.

Councilmember Monson asked about donated money from citizens for the Boulevard Trail Project.

Chairman Swenson further explained the lighting and said that Cobra lights were put in while the residents on the Boulevard were working with the City to get improvements on the lights. The residents wanted it to be more historical looking and there was about a \$6,000 difference than what was put in and they were trying to raise money for the increase.

This resolution will be an action item at the April 7, 2009 council meeting.

Kymer Housley – Consideration of a resolution authorizing a Renewal of an Interlocal Agreement with Cache County for County-Wide Ambulance Service (CCEMS) – 09-26.

City Attorney Kymer Housley explained the original CCEMS agreement was entered into four years ago and the proposed resolution would renew the current agreement for another four years. Mr. Housley explained the agreement can be terminated at any time with a one year notice and the way it is currently written is in four year increments.

Chairman Swenson asked for additional information regarding CCEMS and would like a one page summary of the following at the next council meeting: Number of miles traveled in the City and County, Number of calls in the City and County, Number of calls that City staff responds to in the County, Number of on duty personnel at all times in the City and County, Budget figures for the last four years and population of the City and County for the last four years.

Council members currently serving on the CCEMS committee are Councilmember Olsen and Councilmember Pyfer.

PUBLIC HEARING: Consideration of a resolution approving the CDBG 2009-10 Annual Action Plan, including projects to be funded – 09-28.

Chairman Swenson opened the meeting to a public hearing.

Sue Ann Smith, Area Manager for Community Nursing Services-Home Health and Hospice and Marilyn Ellington, grant writer for Community Nursing Services addressed the council. They asked that consideration be given for funding for home healthcare.

Councilmember Pyfer stated that from the Bear River Association of Governments CDBG funds, this organization received \$46,000 this year.

Ms. Smith stated they are asking for \$22,000 and that is the portion for the load in Logan. The cost is far less costly to stay in home rather than a hospital. If additional funding is granted they will purchase new equipment including laptop computers and other items such as blood pressure and temperature probes.

Dean Quayle addressed the council regarding the Multicultural Center which he has been involved with for the past five years. The Center helps over 700 people per year and these are people who have no other option of where to go. He feels the community needs the Center and the service they provide. Mr. Quayle asked for a portion of the money that was requested for basic office needs such as equipment to help keep the Center running.

Councilmember Monson added there would be more than 700 people if spouses and children are added.

As there were no more comments to address funding, Chairman Swenson closed the public hearing.

Councilmember Olsen stated that for the most part he is in agreement with the recommendation for the Multicultural Center. He questioned whether or not it's possible to address giving funding from the additional federal money of \$158,000 under the 2008-2009 proposal which has to be committed by July 1, 2009. Regarding the Multicultural Center, when appropriate he would move to amend the recommendation and allocate \$6,000 to the Center for needed supplies.

Councilmember Pyfer asked if the money comes out of the 2009-10 CDBG funding, what project would the money come from?

Councilmember Olsen said it could come from the residential sidewalk replacement program and from the Main Street ADA sidewalk replacement program.

Councilmember Pyfer said her concern is the other people that have requested additional funds.

Chairman Swenson clarified that no decision can be made on the additional \$158,000 at this time. All the council can act on now is the proposed resolution.

Ms. Jamieson responded that she would not address the stimulus money of \$158,000 at tonight's meeting because we haven't received the directive from HUD. There will also be different guidelines for this money.

Councilmember Olsen recommended decreasing the two sidewalk replacement programs and give additional funding to the Multicultural Center and the Nursing Services Program.

Councilmember Monson supported this change and feels it will send a message that the council supports these groups and wants to meet their needs. This funding would not go toward salaries.

Councilmember Pyfer feels this is not how the proposal came in and it's an unfair advantage to those who didn't get funded and would have liked to come and appeal their project. The committee has not had the opportunity to respond to these groups. That is why we have the structure of the committee who make recommendations so that changes aren't made later.

Councilmember Thompson said he is concerned favoring one group over another and if the Council is considering an increase to one group we should consider the same amount to another group and he recommended the Nursing Services Program.

Councilmember Olsen stated that he appreciates the CDBG committee and is not critical of them. He accepts the recommendation from the committee with the exception of the Multicultural Center being funded an additional \$6,000. He also feels the Nursing Services Program's are well documented and they could receive additional funding from the \$158,000 stimulus money if possible.

Councilmember Thompson said assuming that we take \$12,000 from one allocation group and allocate to other areas. The extra stimulus money could go back to where it's taken from.

Councilmember Monson asked isn't it likely that the stimulus money should be spent on public work projects such as sidewalks.

Ms. Jamieson responded that this is correct and that the money should be spent on economic opportunity projects.

Councilmember Pyfer said that the fact that the committee did not propose money to the Multicultural Center does not show a lack of support or that we don't care. She has personally helped and supports the Hispanic Community and has been an advocate for over 25 years and continues to do on a weekly basis. Based on the applications the committee reviewed, what the funds were being used for, and the discussions that were held, she feels the allocations are correct. Half of the entities were funded and half were not in the public services category. Based on that she cannot support changes to the recommendations the committee made.

Chairman Swenson said all of these are worthy projects and they provide a valuable service to the community. It was a difficult decision to allocate the money to so many worthy projects.

ACTION. Motion by Councilmember Monson to approve Res. 09-28 with the exception that \$6,000 be taken from the Residential Sidewalk Placement and allocated to the Multicultural Center and \$6,000 be taken from Main Street ADA and allocate to Community Nursing Services. He asked that the top priority from the \$158,000 stimulus funding be put back into the sidewalk programs. Seconded by Councilmember Olsen. Motion carried 3-2 (Councilmember Pyfer and Chairman Swenson opposed).

PUBLIC HEARING: Consideration of a resolution approving the CDBG Consolidated Plan, including the Executive Summary with the Citizen Participation Plan, Five-Year Strategic Plan, Steering Committee Guidelines, and approved 2009-10 Annual Action Plan – 09-29.

Chairman Swenson opened the meeting to a public hearing.

As there were no comments the public hearing was closed.

Councilmember Pyfer suggested changing the Citizen Participation Committee and have the council member's make the decisions on funding.

Councilmember Thompson said the citizens committee is an advisory committee and one of the reasons he supported a small change in the allocation is he believes in the authority and responsibly of the City Council. Ultimately it is the responsibility of the Council of where the allocation goes. The Council determines the highest and best use of these dollars. He doesn't think that because allocations were changed tonight that the committee has been discounted. He appreciates the hours and hard work of the committee but ultimately the Council as a body makes the final decision.

Chairman Swenson added that she appreciates the citizen input on where the money should be allocated and it should be the council's prerogative to changes things as needed.

Councilmember Pyfer felt that if this year's changes didn't work in having two councilmember's on the committee she would be willing to change the committee. Her impression was that by having added Council representation on the committee, this would assure more representation.

Councilmember Thompson said there has been a perception that when funding recommendations come to the Council and nothing is changed, that is not the way it is and ultimately the Council makes the final decision.

Councilmember Pyfer said that one of the misperceptions she has heard is that funding comes to the Council and they take as much as possible for the City, leaving the other organizations short and this is where the citizens committee balances this problem and makes things equal.

Councilmember Olsen asked even though two council members are currently serving on the committee, could additional council members serve next year?

Councilmember Pyfer said she would welcome other council member's to serve on the committee so they can see how much time the committee puts into reading the applications and going through the requests.

Councilmember Monson suggested that one committee council representative rotate each year.

City Attorney Housley responded that three council member's cannot serve on the same committee. Two can serve and others attend but three council members' cannot take action on an issue. If three council members were on the committee then the meeting has to be publicly noticed.

Chairman Swenson asked do we want to change the two designated councilmember's on the CDBG committee.

It was suggested by Councilmember Monson that one councilmember should be rotated each year on the CDBG committee

Ms. Jamieson said that as far as the added stimulus funds are concerned, she will wait until HUD gives the formal allocation amount and then we also need citizen comments. The Consolidated Plan can be amended in the future if needed.

ACTION. Motion by Councilmember Pyfer, seconded by Councilmember Thompson to approve Res. 09-29 as presented. Motion carried unanimously.

OTHER CONSIDERATIONS:

Councilmember Monson talked about the board and a committee list that was provided to the council members. He would like to have uniformity of the boards and committees with voting rights clarified, along with term limits.

City Attorney Housley said there is no requirement that the boards and committees be consistent. They are whatever the creating entity or organization wants to operate a committee. Thus, they won't all have the same term limits and voting rights and there are some that can't be changed.

Councilmember Olsen suggested that as each of the Council participates on a committee, if they have a recommendation they see firsthand, they can bring it to the council and make changes as needed.

Councilmember Pyfer said most of the term limits are three and four years, which cross over the council member's terms. There are some committees that the Council does not have the opportunity to serve on.

Councilmember Monson feels that more people would like to serve on these boards and committees and they should be given the opportunity. Some boards want input and others don't. He is impressed, however, with all those who currently serve.

City Attorney Housley explained that the CDBG committee for example, is not one that is created through a City ordinance, but is federally mandated.

Chairman Swenson said she is concerned about the term limits and feels that a committee member should not serve over and over again. She feels it should be rotated and shared with different ideas and values expressed.

Councilmember Monson said there should be term limits and is a strong advocate of doing this. He suggested the Council recommend names to Mayor Watts of who could serve on all boards and committees.

Mayor Watts said the Council asked that more of the boards be called by the Council rather than the Mayor and he is open to that discussion. Ultimately it becomes the Council's vote of approval when a board member is recommended.

Councilmember Monson said he is impressed with all of the boards and he would like to clarify the council member's voting on them.

Councilmember Thompson feels if a council member serves on a board they should be a voting member.

City Attorney Housley clarified that on some of the committees are an advisory board to the council. The Council representative does not have a vote because eventually these come before the entire council for a vote.

Councilmember Thompson wants to have a strong council and not minimize the responsibility of the Council in regards to boards and committees.

City Attorney Housley said that he can draft a resolution but would need specific problems that the Council sees in terms of years. We can amend ordinances and interlocal agreements but there are some which can't be changed such as the Cache Valley Center for the Arts. It is not the City's committee. He feels that every board serves a different function and there is value keeping people on certain boards longer. He suggested looking at this individually rather than as whole group.

Chairman Swenson said she would support not doing more than two terms if they were three year terms.

Councilmember Monson would like to focus on term limits at this time and he will prepare a resolution.

Councilmember Monson addressed the editorial in the newspaper regarding services and duplication in the Valley and suggested we should look at consolidating government and eliminate the boundaries. He suggested bringing all the pros and cons to a group and look at combining cities.

Councilmember Pyfer suggested that Councilmember Monson contact the other cities and see if they are interested in consolidating/merging cities.

Councilmember Thompson feels we should look at unified fire district, library and CCEMS in the future.

Councilmember Olsen asked if at the March 31, 2009 joint council meeting would it be helpful to have a conversation about the Cutler Dam project?

Mayor Watts responded that an environmental attorney has been hired to help with the Cutler Dam issue.

City Attorney Housley updated the council on this issue and said we are waiting for the State of Utah to respond and will then meet with them regarding solutions. We are not ready to discuss this issue with the County at this time.

Mayor Watts announced that a Closed Executive Session with the council member's will be scheduled to discuss 100 East properties.

Public Works Director Mark Nielsen said this is regarding 100 East property acquisition. There are 29 properties acquisitions. Two properties need to be discussed with the council's recommendations on how to proceed. One of the property owners cannot be contacted because they are on an LDS mission and the other property owner wants to sell his entire property, not just the park strip area.

The Executive Session will be scheduled on March 31, 2009 immediately following the Joint City/Council meeting at 6:00 p.m. or soon thereafter.

ADJOURN

There being no further business to come before the Council, meeting adjourned at 7:09 p.m

Teresa Harris, City Recorder