

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, June 15, 2010 at 5:30 p.m. in the Logan Municipal Council Chambers, 290 North 100 West, Logan, Utah. Chairman Jay A. Monson conducting.

Council members present: Chairman Jay A. Monson, Vice Chairman Herm Olsen, Holly H. Daines and Dean W. Quayle. Councilmember Laraine Swenson participated in the meeting by phone. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

OPENING CEREMONY.

Logan City Fire Marshal Craig Humphreys offered the opening prayer and led the audience in the pledge of allegiance.

Chairman Monson welcomed those present. There were approximately 42 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from June 1, 2010 were reviewed and approved with minor corrections.

Meeting Agenda. The meeting agenda was approved. Chairman Monson announced at tonight's meeting there would be five public hearings.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Citizen John Iman addressed the Council and said this past May he attended a City Council meeting where the non discrimination ordinance was discussed. He said the Council said at that time they would wait until the first Council meeting to act on this ordinance. The Council then moved up the date of adoption and he asked where did the change take place?

Chairman Monson explained how it was determined to move up the date instead of waiting until August. He said the Council received a large amount of feedback from the public on this issue and the Council determined to move up the adoption date rather than wait until August.

City Attorney Kymber Housley said the meeting was properly and legally noticed and it was a Council decision of when it should be placed on the agenda.

Mr. Iman said he thought the August date was reasonable and he feels the public should have been given more time to attend the meeting and voice their opinion. He said there is a difference between the special interest groups and the public. The special interest groups have more time to push their opinion and the voice of others is not heard. He feels the ordinance that was passed is far reaching. He said that he is not speaking against the ordinance but is speaking against the "railroading" of the public and that not all voices were heard on this issue.

Chairman Monson reminded Mr. Iman the ordinance was for non discrimination of housing and employment only and is not approving the lifestyle of sexual orientation.

MAYOR/ STAFF REPORTS.

Ratification and Oath of Office of Logan City Fire Chief Kyle Lindsay – Mayor Watts and City Recorder Teresa Harris.

Mayor Watts asked the Council for ratification of Kyle Lindsay to be the Logan City Fire Chief replacing Chief Mark Meaker.

ACTION. Motion by Councilmember Quayle seconded by Councilmember Daines to ratify Logan City Fire Chief Kyle Lindsay as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

City Recorder Teresa Harris gave Chief Kyle Lindsay the oath of office and he was sworn into office as the Logan City Fire Chief.

Chief Lindsay addressed the Council and expressed his appreciation for the support from the fire department. He looks forward to this opportunity.

Board Appointment – Mayor Watts.

Mayor Watts asked for ratification of Clay Christoffersen to serve on the Logan City Parks & Recreation Advisory Board which is a three year term.

ACTION. Motion by Councilmember Daines seconded by Councilmember Quayle to ratify Clay Christoffersen to the Logan City Parks & Recreation Advisory Board as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

Update: Landlord Licensing Fees – James Olson.

Business License Director James Olson gave an update on the landlord licensing fees and the training that has now started.

First marketing has been done regarding the training and the Good Landlord Program. Ads have been printed in the Herald Journal and letters have been sent to every real estate broker listed with the Cache/Rich Association of Realtors. Additionally, every property manager listed with Logan City was sent a letter which totals 75 letters. So far there has been positive feedback from landlords on the training. They have received 100 applications to date and he feels that number will increase.

The Good Landlord courses are a great resource for landlords to learn about the federal, state and local laws of the landlord licensing process. They currently have 12 classes scheduled and will scheduled six more. Word is getting out on how important and how much information is available to landlords.

Research on the fee schedule has been completed to find out what other communities are doing in regards to landlord licensing. The fee schedule presented to the Council is the most fair and least expensive fee schedule in the State of Utah. There are three different models that communities follow such as per unit/door fee, a base price for the ownership entity and the Logan City fee is the base fee per ownership entity. From the 20 communities that have landlord licensing options, Logan City is the only one that does a base fee per property owner and not per unit.

Mr. Olson said that he anticipates that over 500 applications will come in before July 1, 2010. He stated that if someone does not have a license they will be contacted by letter asking them to comply. They will also receive a phone call. The same process is followed for those who have a business license.

Councilmember Daines stated that she received feedback that the landlord training has been very worthwhile and the training is very good.

Councilmember Olsen requested that after waiting a few months, he would like a report back to the Council and would like the administration to keep track of the landlord licensing program and evaluate how the program is working and what improvements need to be made in the future.

Mr. Olson said he will continue to report to the Council on the progress of the landlord licensing program.

COUNCIL BUSINESS.

Meeting Schedule. Chairman Monson 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 6, 2010.

Chairman Jay Monson announced a joint Logan City Council and Logan City School District meeting on Tuesday, June 29, 2010 beginning at 5:30 p.m. at the District Office on 101 West Center Street, Logan, Utah.

ACTION ITEMS.

Consideration of a resolution on Elected Official's Wages FY 2010-11 – 10-28.

Chairman Monson said the resolution states there will not be an increase in the Mayor and Council wages this year.

Councilmember Olsen said he supports the proposed resolution but feels it is a lose/lose situation and that any elected official is criticized for any wage increase. It leaves the salaries disproportionately low and does not attract qualified public servants that maybe

can't afford to take time from their careers to run for office. He feels that next year, if the economy permits, we should reconsider salaries for elected officials so they are in line with salaries in other communities. He feels this should be addressed again in the future.

ACTION. Motion by Councilmember Quayle seconded by Councilmember Daines to approve Res. 10-28 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes
Holly H. Daines, voted yes
Dean W. Quayle, voted yes
Herm Olsen, voted yes
Jay A. Monson, voted yes

Consideration of a resolution approving Member Contributions to the Utah Retirement Systems Contributory Retirement Plan FY 2010-11 – 10-29.

Finance Director Richard Anderson explained the Internal Revenue Service and the State of Utah requires this resolution to come before the Council for approval each year. We will continue having a Contributory Retirement Plan for employees and new employees will go to a Defined Plan.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Olsen to approve Res. 10-29 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes
Holly H. Daines, voted yes
Dean W. Quayle, voted yes
Herm Olsen, voted yes
Jay A. Monson, voted yes

PUBLIC HEARING – Consideration of a resolution approving the Certified Tax Rate for FY 2010-11 – 10-35.

Mr. Anderson explained the Council needs to approve a qualitative rate because the exact rate is not available from the State of Utah or Cache County at this time. It will not exceed the certified tax rate and is not a tax increase for anyone. Individual taxes could go up but it depends on Cache County.

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

ACTION. Motion by Councilmember Quayle seconded by Councilmember Olsen to approve Res. 10-35 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes
Holly H. Daines, voted yes
Dean W. Quayle, voted yes
Herm Olsen, voted yes
Jay A. Monson, voted yes

PUBLIC HEARING – Consideration of a resolution approving new water rates – 10-36.

Water Department Director Michael Roundy said the proposed water rate resolution will be a straight base rate which is an increase of \$1.00.

Councilmember Daines asked about the USU wholesale rate and asked why this amount is lower than other rates?

Mr. Roundy responded that agreements with previous administrations have been done with USU and that is the way the rates are now because of the previous agreements. In doing the water rate study, all of these agreements have been reviewed and the current rate has been in place since 2005.

Mr. Housley stated the agreements are not in perpetuity and he will need to review the agreements to see what the termination date would be.

Mr. Roundy stated the rates were reasonable at the time. We are still using water rights from those agreements and they are still equitable.

Councilmember Daines said there have been discussions about capital improvement projects that will be discussed at the beginning of the year. With the ongoing source of increased funds, she asked if there is a plan in place to spend these funds over the coming years.

Mr. Roundy responded there is a water master plan that addresses the needs.

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

ACTION. Motion by Councilmember Daines seconded by Councilmember Swenson to approve Res. 10-36 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

PUBLIC HEARING – Consideration of a resolution approving new sewer rates – 10-37.

Environmental Director Issa Hamud addressed the Council regarding the proposed sewer rate. He said this increase is intended to bring 10 million dollars to Logan City with the intent to improve the sewer lagoons and bring them into compliance with the phosphorus limits. The proposed rate amount is \$3.00 per month per household.

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

ACTION. Motion by Councilmember Daines seconded by Councilmember Monson to approve Res. 10-37 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

PUBLIC HEARING – Consideration of a resolution approving the Revenue and Expenditure Budgets for FY 2010-11 – 10-38.

Mr. Anderson reviewed the proposed Revenue and Expenditure Budgets for FY 2010-11 which are the following:

- A. General Fund expenditures in the amount of \$32,962,417.
- B. Water and Sewer Utility Fund revenue/expenditures in the amount of \$8,873,280.
- C. Electric Utility Fund revenue/expenditures in the amount of \$34,147,712.
- D. Environmental Health Utility Fund revenue/expenditures in the amount of \$10,499,905.
- E. Sewer Treatment Fund revenue/expenditures in the amount of \$3,959,842.
- F. Storm Water Collection Fund revenue/expenditures in the amount of \$1,059,566.
- G. Recreation Center Fund revenue/expenditures in the amount of \$468,513.
- H. Willow Park Fund revenue/expenditures in the amount of \$325,663.
- I. Redevelopment Agency Fund revenue/expenditures in the amount of \$3,859,605.
- J. Library Fund revenue/expenditures in the amount of \$1,724,828.
- K. Golf Course Fund revenue/expenditures in the amount of \$1,299,639.
- L. Information Systems Fund revenue/expenditures in the amount of \$1,126,049.
- M. Communication Center Fund revenue/expenditures in the amount of \$1,785,150.
- N. Capital Projects Fund revenue/expenditures in the amount of \$2,910,000.
- O. Capital Equipment Fund revenue/expenditures in the amount of \$1,200,000.
- P. Special Improvement District Fund revenue/expenditures in the amount of \$50,901.
- Q. Risk Assessment Fund revenue/expenditures in the amount of \$1,125,318.
- R. Health Management Fund revenue/expenditures in the amount of \$3,150,618.

TOTAL REVENUE/EXPENDITURES: \$110,529,006

Chairman Monson opened the meeting to a public hearing.

Citizen Paul Davis addressed the Council and said the City and the Council sends a message as to what is the most important and there are very few dollars that are discretionary. One way to send a message of what's important is to spend those dollars in a better way. He feels this past year the wrong message has been sent by removing park strips and not paying for curb, gutter and sidewalks along large stretches of streets, mostly on the West side of Logan City. He asked that any amount of discretionary money be put towards new curb, gutter and sidewalk and not put money towards park strips until other concerns are addressed first.

Mr. Anderson stated the allocation for curb, gutter and sidewalk was increased by \$25,000 and in a year that property tax revenue is flat. There is no general fund money allocated for park strip removal, only grant money was allocated.

Councilmember Daines noted that the sidewalk money came from CDBG funding. She said in the future, CDBG funding will be reviewed and how it's distributed.

Mayor Watts gave an example of a successful sidewalk project that was completed recently was on 600 West.

Councilmember Swenson said two residents from the Adams Neighborhood have contacted her regarding the park strip improvements in their neighborhood and how much they appreciate what has been done.

Councilmember Olsen asked how Logan City goes about putting in a new sidewalk and do residents invest in the process or does Logan City pay the entire amount?

Mr. Housley responded Logan City either pays the entire cost of the sidewalk and there have been cases where the property owners did not want the sidewalk. The other scenario is a cost share with a Special Improvement District (SID) and it goes through a protest process with the property owners.

Community Development Jay Nielson stated that approximately one million dollars has been spent on sidewalks in the past five years. Approximately \$250,000 has been spent on park strips and both the sidewalk and park strip is one time money. The street department installs \$50,000-\$60,000 worth of new curb, gutter and sidewalk every year and this is ongoing money.

Councilmember Daines stated with CDBG money there is a scheduled, prioritized way of spending the money.

Street Manager Jed Al'Imari said the first thing they consider are schools, businesses, churches and then go back and look at what sidewalks are in the worst condition. He said there are property owners that will do a 50/50 cost share and the only way he will do this is if the sidewalk, curb and gutter is in disrepair and is a hazard. If the property owner wants it all replaced they can replace at their cost and sometimes the City can help with the excavation of the existing sidewalk.

Mayor Watts said a good way to get information out to property owners that the SID is available is through the neighborhood council groups.

Chairman Monson closed the public hearing.

Councilmember Olsen asked in regards to the Revenue and Expenditure amount this year of \$110,529,006 how does this number compare to last year city wide?

Mr. Anderson responded the revenues and expenditures are up this year with the water and sewer increases. The actual budget is neutral.

ACTION. Motion by Councilmember Swenson seconded by Councilmember Daines to approve Res. 10-38 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

Consideration of a resolution authorizing execution of construction principal forgiveness agreement relating to financial assistance to be obtained from the Utah Drinking Water Board and related matters – 10-39.

Mr. Anderson stated that on January 19, 2010 the Council approved a resolution for a grant component for \$700,000 and loan component of \$725,000. The State of Utah required this as a condition to acquire the grant for \$700,000. Since that time the State dropped the requirement to have the loan accompany the grant and now the grant is left in the amount of \$700,000. This is the money for the Dewitt Springs micro turbine power generator.

ACTION. Motion by Councilmember Daines seconded by Councilmember Quayle to approve Res. 10-39 as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

WORKSHOP ITEM.

Consideration of an ordinance adopting a zone change for the Falls at Riverwoods Project from Agricultural to Commercial General – 10-40 – Glen Goins.

Community Development Planner Glen Goins addressed the Council regarding a zone change of 12.7 acres on the North side of 700 South and East of 100 East. The rezone is in conjunction with the Riverwoods project. The future land use plan is designated as mixed use. The zone change will include a boundary line adjustment and it will be completed by the July 6, 2010 Council meeting. River Heights City is aware of this project and they are supportive. The planning commission recommended approval of the zone change.

Mr. Housley stated this area was a disconnect from River Heights and the area is in Logan City. Only unincorporated land can be annexed.

Councilmember Olsen gave a disclosure of his ownership interest in the office building located in the Riverwoods area.

This will be an Action Item at the July 6, 2010 Council meeting.

OTHER CONSIDERATIONS.

Councilmember Olsen made a motion to amend the administration portion of the budget by reducing the amount given to the Utah League of Cities and Towns (ULCT) in the amount of \$23,000. He would like the ULCT to adopt and enforce either a non partisan policy regarding the operation of the ULCT or bi-partisan policy. He feels the partisan approach is not an appropriate use of municipal funds. He has communicated his concern to the ULCT and feels he has been ignored and now would like to get their attention by not funding the \$23,000.

Councilmember Swenson asked if Councilmember Olsen could bring a resolution to the Council regarding this issue regarding bi-partisanship that the Council can discuss and consider.

Councilmember Daines feels that as a whole the UCLT provides very beneficial information to Logan City and she feels the training she has attended has been very worthwhile.

Councilmember Quayle feels the ULCT does a good job and provides a valuable service to the City's in the State of Utah.

Motion failed for lack of a second. Councilmember Olsen will prepare a resolution and bring it back to the Council for review.

RECESS TO MEETING OF LOGAN REDEVELOPEMNT AGENCY.

ACTION ITEM.

PUBLIC HEARING – Consideration of a proposed resolution approving the Redevelopment Area Budget for FY 2010-11 – 10-41 RDA.

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

A summary of the proposed fund is as follows:

Redevelopment Agency Fund revenues/expenditures in the amount of \$3,859,605.

ACTION. Motion by Councilmember Quayle seconded by Councilmember Daines to approve Res. 10-41 RDA as presented. Motion carried by roll call vote.

Laraine Swenson, voted yes

Holly H. Daines, voted yes

Dean W. Quayle, voted yes

Herm Olsen, voted yes

Jay A. Monson, voted yes

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