

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, May 4, 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, Dean W. Quayle and Laraine Swenson. Administration present: Mayor Randy Watts, City Attorney Kymber Housley and City Recorder Teresa Harris.

### **OPENING CEREMONY.**

Public Works Director Mark Nielsen gave the opening prayer and led the audience in the pledge of allegiance.

Chairman Monson welcomed those present. There were approximately 34 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from April 20, 2010 were reviewed and approved with minor changes.

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

### **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.**

No questions or comments for the Mayor or Council.

### **MAYOR/ STAFF REPORTS.**

#### **Logan City Justice Court Clerk State Recognition – Mayor Watts and Judge David Marx.**

Judge Marx addressed the Council; he is the Chairman of the Justice Court Board for the State of Utah. He announced that the Logan City Justice Court received the Justice Court of the Year Award in the State of Utah.

Chairman Monson said on behalf of the Council he thanked the Justice Court for their efforts and for all they do for Logan City and congratulated them on receiving this award.

#### **Tree City USA Award.**

Mayor Watts announced this is the 25<sup>th</sup> year that Logan City has received the Tree City USA award. He presented the award to Logan City Forester Joe Archer.

Councilmember Quayle thanked Joe Archer for his involvement in obtaining this award.

## **Downtown Master Plan Recognition.**

Community Development Director Jay Nielson announced that his department is preparing the specific plan for the downtown and introduced consultants from New Mexico and Arizona who are here to help with this process. He also announced that Logan City received an honor award from the American Society of Landscape Architects for the specific plan for the greater airport development area. This is a commendation for the work the consultants did on this project.

## **Mayor's Budget Report.**

*Mayor Randy Watts  
Budget Report to the Logan Municipal Council  
May 4, 2010*

*I am pleased to present to you the Fiscal Year 2010-2011 annual budget. Much like last fiscal year, this budget represents conservative revenue forecasts and conservative spending requests. This budget includes a modest but well deserved cost of living increase for Logan City employees of 1.5%. With the ever increasing cost of living and the absence of any increase in pay in the prior year, this cost of living increase represents a significant priority.*

*Few Capital projects are included in this budget, all though those included represent the most critical at this time. A new capital equipment fund has been established as a mechanism for better funding rolling stock replacements in future years. We will discuss this new approach during our budget workshops. As always we will continue to look for ways to increase productivity as we move ahead in the 2010-2011 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, water rates, and storm water rates. The City of Logan is in good financial position. We will continue to 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.*

Mayor Watts complimented Finance Director Richard Anderson and the finance department for the work they do in preparing the budget each year. He said the asset that Logan has are the employees who work here and he complimented and thanked them for all they do for the citizens.

## **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, May 18, 2010.

Chairman Monson announced that budget workshops are scheduled for Tuesday, May 11 and Tuesday, May 25, 2010 beginning at 5:30 p.m. in the Council Chamber. The public is invited to attend.

## **ACTION ITEMS.**

**PUBLIC HEARING: Budget Adjustment FY 2009-10 appropriating: \$3,481 for 600 West SID debt payments; \$4,800 for the police banquet; \$24,424 for reimbursement of snow removal costs – 10-24.**

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

**ACTION.** Motion by Councilmember Swenson seconded by Councilmember Olsen to approve Res. 10-24 as presented. Motion carried unanimously.

**PUBLIC HEARING: Consideration of a resolution to adjust service fees at the Logan City Police Department – 10-20.**

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

Councilmember Olsen stated there was a recent article in the Salt Lake City Tribune that raised the issue of fees being charged. He feels it would be valuable for City Attorney Housley to review this article before the Council votes on the proposed resolution. He suggested that the proposed resolution be tabled for two weeks and the Council takes action on May 18, 2010.

City Attorney Housley responded that several of these concerns have already been addressed and discussions have been held regarding the fees and he is confident this is defensible. A lot of the fees have been reduced based on what other jurisdictions are charging.

**ACTION.** Motion by Councilmember Olsen seconded by Councilmember Swenson to table Res. 10-20 as presented until the May 18, 2010 council meeting. Motion carried unanimously.

## **WORKSHOP ITEMS.**

**Budget Adjustment FY 2009-10 appropriating - \$17,029 for Fire Department donation; \$25,812 for reimbursement by Blackhawk subdivision; \$14,578 for the**

**Library CLED Grant – 10-27 – Richard Anderson.**

Finance Director Richard Anderson explained the proposed budget adjustment to the Council.

Councilmember Daines asked about the donation to the fire department.

Assistant Fire Chief Brady Hansen responded this is a donation from a private citizen who was aware of a need for upgraded technology for the fire service.

This will be an Action Item at the next Council meeting to be held on May 18, 2010.

**Consideration of a proposed ordinance regarding employment discrimination based on sexual orientation or gender identity – 10-25 – Herm Olsen.**

Councilmember Olsen presented the proposed two ordinances. He observed the progress that Salt Lake City has made in regards to anti discrimination and he feels that the Logan City Council should allow the law to help citizens. He does not feel there is a problem in Logan City with discrimination but he does feel that we should not wait until there is a problem before implementing these two ordinances's and extend the benefit they both offer to our citizens.

City Attorney Housley stated we already have an administrative enforcement process set up and that has been added to the ordinance wording.

Councilmember Swenson stated the State Legislature is currently reviewing this ordinance now and whatever they act on in six months could supersede our proposed ordinance and this should be considered as the Council discusses this ordinance tonight.

Mr. Housley stated that is correct and if a State statute is passed it will supersede our local ordinance.

Councilmember Swenson is also concerned about housing complexes that have one for male tenants and another for female tenants. She asked Mr. Housley to make a change be made in the housing ordinance which he has done.

Mr. Housley stated Councilmember Swenson has a valid concern and we have a lot of rentals where they are just renting to male or female and this wording added to the ordinance will allow this to continue so they can discriminate based on gender if the unit is all female or an all male rental unit.

Councilmember Quayle said he has a concern about this proposed ordinance and feels we are just adding another category to other issues that can be designated as discrimination.

Councilmember Daines stated that if we don't have problem do we want to add another level of bureaucracy that citizens will need to go through. She feels there are regulations for so many things already.

Chairman Monson said he would feel badly if this were to become a problem in Logan. He feels that Salt Lake City led the way so there would not be problems and he would rather act on this so there aren't problems in the future for Logan.

Councilmember Olsen said this is a sensitive and personal issue and most people come to this with their own view points and religious perspectives. He is surprised that Salt Lake City adopted this ordinance because the LDS Church is the dominant church in Utah and Logan and they embraced and endorsed this approach. He feels they are trying to send a message that as far as housing and employment are concerned it is not appropriate to discriminate and we should look at how we treat our fellow citizens.

Chairman Monson said that Logan City passed the payday loan ordinance and the legislature hasn't helped Logan with this issue. He feels we should not wait for the legislature to do something.

Councilmember Quayle asked has the Salt Lake City ordinance made a difference.

Mr. Housley responded he is not aware of anything and he doesn't know if any cases have come before them. The problem is this will be a hard ordinance to enforce.

Councilmember Swenson asked should we give the legislature a year's time to pass this ordinance and Logan City can revisit this ordinance a year from now.

Councilmember Olsen said we could only adopt this for nine months and show we have extended fairness and equality to our citizens for nine months that is worth something.

Mayor Watts stated there are so many issues regarding discrimination in the world and he feels things have improved over the years but we can do much better as citizens. He gave personal examples of discrimination that he has observed. He said he does not know of anything and has not received any phone calls regarding employment and housing discrimination in Logan City. He feels we all need to be more tolerant of each other and the differences we have and treat each other better.

Councilmember Quayle recommended the Council table this issue at this time and address at a future date after the legislature has taken action. He would also like to receive public comment on this issue before making a decision. He recommended tabling this ordinance for one year and give time to receive comments from the public directly to the Council.

**ACTION.** Motion by Councilmember Quayle seconded by Councilmember Swenson to table Ord. 10-25 and Ord. 10-26 as presented.

Councilmember Olsen said he understands the concerns of some of the Council but does not feel it's inappropriate to act and ultimately if the legislature takes this out of our hands that's fine. If they don't, then he feels we will have done the right thing. He feels it's still appropriate to move forward and would encourage citizens to send their comments directly to the City Council and express their thoughts and concerns about this issue.

Chairman Monson feels that if we table this ordinance then it will send the wrong message to people that Logan City is not concerned that there could be discrimination issues based on employment and housing and that concerns him

Councilmember Daines said she is not against the concept but is against another level of bureaucracy.

Councilmember Swenson said she supports this issue completely as far as discriminating but she feels it needs time. There are more properties that are exempt rather than properties that are not exempt and she wants to make sure the Council adopts the right thing and give the legislature time and possibly pressure them to address this issue. She suggested the Council send a letter to the legislature to encourage them to move forward. She made an amendment to the motion to recommend the Council send a letter to the legislature and to wait one year.

Councilmember Quayle said he is not opposed to this ordinance or discrimination of any kind but he would like to wait a year.

Councilmember Daines asked about the exemptions that the State of Utah and the Federal government have in place.

Mr. Housley responded that we cannot regulate State or Federal government; they are exempt from our regulations.

Councilmember Olsen feels we don't need to wait a year on this issue. He suggested that it be postponed until August 2010 and give the public an opportunity to contact the City Council with their concerns.

**ACTION.** Motion by Councilmember Olsen seconded by Chairman Monson to table Ord. 10-25 and Ord. 10-26 until the first City Council meeting in August 2010. Motion carried unanimously.

**Consideration of a proposed ordinance regarding housing discrimination based on sexual orientation or gender identity – 10-26 – Herm Olsen.**

See comments above from discussion regarding Ordinance 10-25.

**Consideration of a proposed vacation of 700 North Right-of-Way between 800 East and 1200 East at Utah State University – Mark Nielsen.**

Public Works Director Mark Nielsen introduced the proposed vacation of 700 North between 800 East and 1200 East at Utah State University. He stated if this goes forward from tonight's meeting then an ordinance will be prepared and it will be an action item at a future council meeting. USU has contacted the City regarding the painting of the mid block pedestrian crossing on 700 North. Based on the risk, Logan City has determined they will not paint the crosswalk lines. USU will accept responsibility and the compromise was that Logan City would vacate the area between 800 East and 1200 East to USU. They will leave Logan City a right-of-way and that will be part of the City's utilities and they will accept all aspects of the road. They understand this vacation is a

Council decision and if the Council does not approve then it will not happen and further discussion will be held. The intent is that Logan City will continue doing routine maintenance such as snow removal, chip seal and fixing pot holes. The road will not be closed to emergency access for fire and police. The intent is to not close the road at this time but it could be an option for USU in the future if they choose.

City Attorney Kymber Housley left the meeting at this time.

Councilmember Olsen said some of the crosswalks are separated in terms of texture in regard to the road and he is concerned about the ultimate closure of the road. USU would like to take vehicles out of the middle of the campus and 700 North has useful functions. He feels traffic flow and people flow for cars and busses will have difficulty if the road is closed. He is not sure it would be in the best interest for Logan City by closing this road and feels if we vacate then we will lose control of what the future of this road will be. If the Council decides to create more flexibility for USU to do what they want and it saves us money, he may not disagree. He would want a reversionary right added to the vacation that in the event there is a closure or restriction for through traffic then the vacation reverts back to Logan City and it becomes our jurisdiction once again. He is not sure we want to abandon our right on what might be the best interest of the City.

Chairman Monson said 700 North can be a very dangerous street with people trying to cross. It is the main thoroughfare for people to get through the USU campus.

Mr. Nielsen said we do not want to allow mid block crossings anywhere in Logan City and USU wants to keep this crossing. He said that USU will not put up a wall through traffic will be closed except to the parking terrace and mass transit.

Councilmember Swenson feels said it would be to the advantage of USU to accommodate people coming to USU and if they were to close the road there could possibly be other things they can do to accommodate people. She asked about the costs involved and asked Mr. Nielsen to provide the cost of the services that Logan City will provide to USU and to make sure that we are also receiving the benefit of this vacation.

Councilmember Olsen said he is not sure of the long term plan from USU. In his view Logan City should reserve the right to make the ultimate decision as USU grows and we should have the option that if the campus moves North there is a valid reason to maintain the right to decide what happens on 700 North. Again, he would like to have a modified vacation to include a reversionary right.

Community Development Director Jay Nielson stated the USU Master Plan states that ultimately 700 North should be closed to through traffic. When the campus expands and doubles in size there will be not parking available it will have to be on the edges and buildings where the parking is now. The road will always be open to mass transit, emergency and service vehicles. He stated the USU campus has to become denser in the center and cannot spread out. The plan is for USU to grow up and not out with their buildings.

Councilmember Olsen said his first obligation is to Logan City and he wants to maintain a reversionary right to address in the future. In the interim, he feels we should not abandon our interest completely.

Councilmember Daines said the primary reason to vacate this road seems to be less risk to Logan City but if we continue to maintain the mid block crossings does that continue being a liability for us.

Mr. Nielsen said as long as we are in compliance with striping the crossing in accordance with the Manual and Uniform Traffic Control Devices (MUTCD) requirements we are covered from any liability.

Senior Attorney Lee Edwards said that we will have less liability if we follow the MUTCD requirements for striping the road.

Councilmember Olsen said he often drives 700 North and he is impressed that people are crossings in the crosswalks and cars slow down and stop for people to cross.

Mr. Nielsen will meet with USU and will include a reversionary clause in the agreement and if they accept this change it will come back to the City Council as a public hearing and approval. He will check to see if the clause is part of the vacation or the agreement.

This will be an Action Item at the next Council meeting to be held on May 18, 2010.

#### **OTHER CONSIDERATIONS.**

There being no further business to come before the Council, meeting adjourned at 7:07 p.m.

Teresa Harris, City Recorder