

CITY OF LOGAN
CITY COUNCIL MEETING & PUBLIC HEARING
CITY HALL, 108 W. 4TH STREET
JULY 9, 2012

At 7:00 P.M. Mayor Fetter called the meeting to order. Those present were Council Members Clark, Johnson, Lefeber and Crum.

Mayor Fetter asked if there were any additions or deletions to the agenda. Johnson asked to have agenda item 10, approve the first reading of Ordinance 440: an ordinance to amend Chapter 92 Water Rates, and agenda item 11, approve the first reading of Ordinance 441, an ordinance to amend Chapter 99 Sewer Rates deleted from the agenda due to time constraints. He added discussion on appointing a city attorney and sending out ads for a city clerk. He also added discussion on payroll issues if they needed to be discussed any further. Clark stated that she would like to have a little more time before they appoint someone to fill the council vacancy because she had just found out who was interested the previous Friday. Mayor Fetter stated that he had received a petition, and it would be discussed when they got to that agenda item. Motion was made by Johnson and seconded by Lefeber to approve the agenda with the changes. 3 ayes, Crum voted nay.

Next on the agenda was to approve the consent agenda which consisted of approving the minutes of the 6-8-12 council meeting and 6-19-12 board/council training, set a date of Monday, July 23rd, 2012 for a regular council meeting, approve the Treasurer's Report and Revenue Report and building permits for Tim Skeen, 223 E. 3rd St., remodel house; Jones Homes, 1413 Jones Circle, 1144 sq ft. new home; Thomas Shutt, 310 N. 3rd Ave., remodel side entry door and windows. Motion was made by Johnson and seconded by Crum to approve the consent agenda. 4 ayes.

The next item on the agenda was a Public Hearing to hear comments for or against vacating the official plat of Highland Drive Subdivision. There were no questions or comments. Motion was made by Lefeber and seconded by Clark to adjourn the Public Hearing. 4 ayes.

Item 7 on the agenda was to approve Resolution 12-14: A resolution approving the vacation of the official plat of Highland Drive Subdivision. The resolution was read. This street has never been improved, and there has been no work done to it by the City of Logan. Construction plans were changed by Mosaic, and a street is no longer needed through the property. Motion was made by Crum and seconded by Johnson to approve Resolution 12-14: A resolution approving the vacation of the official plat of Highland Drive Subdivision. 4 ayes.

Item 8 on the agenda was to approve Resolution 12-15: A resolution reporting salaries for elected officials and employees of the City of Logan for FY 11/12. Motion was made by Johnson and seconded by Clark to approve Resolution 12-15: A resolution reporting salaries for elected officials and employees of the City of Logan for FY 11/12. 4 ayes.

Agenda item 9 was to approve closing the alley between N. 3rd Ave. and N. 4th Ave. and 7th St. and 6th St. on August 4th, 2012 for Doc's Roadhouse for a fundraiser. This is a fundraiser that is

held every year and each of the adjoining property owners have given their consent. Motion was made by Clark and seconded by Lefeber to close the alley between N. 3rd Ave. and N. 4th Ave. and 7th St. and 6th St. on August 4th, 2012 for Doc's Roadhouse for a fundraiser. 4 ayes.

Agenda item 12 was to appoint someone to fill the council vacancy. Requests were received from Michael Foutch, Michael Godden, Christopher Hartwig, Robert Dean and Jim Ettleman. Mayor Fetter received a petition from Terry Francis on July 9, 2012 requesting a special election for this position. The special election will be held on August 14, 2012. Nominations will be due at City Hall by noon on July 20, 2012. Anyone interested must be eligible to vote, live in city limits and provide ten signatures for the nomination. Nomination papers will be available at City Hall, online through the Secretary of State's office or in Susan Bonham's office at the Court House. Mayor Fetter stated that the council could appoint someone now, and that person would serve until the special election. Crum stated that if the citizens want a special election then that's what he wants. The other council members agreed. Mayor Fetter stated that the position would be filled with an election.

Item 13 was Johnson's request to be removed from the Council Police Committee. Johnson stated that it wasn't actually a removal. He wanted to recuse himself from the committee during the selection of the new officer. He stated that he would like to remain on the committee because with Council Member Greve's departure there would no longer be any council members on the committee. Mayor Fetter stated that he thought a council member would have been appointed tonight, and they could have filled that position. He said that someone would be appointed at a later time.

Agenda item 14 was to approve the first reading of Ordinance 442: An ordinance amending Chapter 23: Park Board. Motion was made by Clark and seconded by Johnson to table this item for now. 3 ayes, Crum voted nay.

Agenda item 15 was to discuss Chapter 55.01(5), Animal Protection & Control: Livestock. Mayor Fetter stated that he had received a request for a variance to allow chickens by Dr. Hieb. She has been raising them for two years and would like to continue. Currently, chickens are not allowed in the city limits so this request will be sent on to the Board of Adjustments. Motion was made by Johnson and seconded by Clark to send the request for a variance on to the Board of Adjustments. 4 ayes.

Next on the agenda was to discuss appointing a new City Attorney. Mayor Fetter asked for permission to call other cities to get some references. Johnson asked if those would be forwarded on to the council. Crum asked what would happen if they found someone and hired them, and then the previous attorney comes back. Mayor Fetter stated that one of the attorneys would probably have to be relieved of their duties. Motion was made by Clark and seconded by Johnson to start the proceedings to appoint a new City Attorney. 3 ayes, Crum voted nay.

Next on the agenda was to advertise for a new City Clerk. Mayor Fetter stated that it would be have to be advertised in the newspaper, and the requirements could be pulled from the last time a City Clerk was hired for reference. Motion was made by Johnson and seconded by Lefeber to begin the search and advertise the City Clerk position. 3 ayes, Crum voted nay.

The next item on the agenda was to discuss payroll issues. Mayor Fetter stated that he and the Deputy Clerk had worked on the payroll that afternoon, and it was almost done. Data Tech was called for technical assistance. Johnson asked if there is someone to come in to help with answering phones. Mayor Fetter stated we have had a part time person in the past, and if the Deputy Clerk felt she needed some help to go ahead and have her come in.

Citizens questions/comments: Mayor Fetter stated that with the large crowd in attendance, anyone speaking must live in the city limits for tonight's meeting. He said he would stick around after the meeting to take questions/comments from anyone from outside the city limits. He stated that he wants to hear from everyone so anyone can call or email him. Crum stated that he would also take calls. Renee Springston asked why council members are not returning any of her calls. Rick O'Neill asked why the council members are not answering the questions. Mayor Fetter stated that to get questions answered anyone could be put on the agenda, and that he couldn't answer for the council members. Susan Bonham asked why they took questions from people living outside of Logan at previous meetings, but they wouldn't take them tonight. Mona McDonald asked when the citizens will be informed of the reason for the terminations of two people. She stated that she felt they deserved answers because this is obviously not what the citizens of Logan wanted. Ginger Schemmer requested the resignation of the current council members that are not representing the City of Logan and then move forward with measures to impeach them, and the City of Logan needs to take back their government. Andrew Francis asked who called for the meeting last Friday, and if they were ever going to answer the citizen's questions. He stated that they don't answer phone calls or questions at the meetings so when will they answer because they answer to the citizens, and they represent the citizens. Scott Bonham stated that you have to be a man to answer questions. Mayor Fetter asked for civility and stated that he doesn't want to have to kick anyone out of the meeting. Jim Eittleman asked the mayor if he believed the meeting on Friday was legal, moral, ethical or if there are grounds for the dismissal of the two employees. Mayor Fetter stated that he didn't believe it was a legal meeting and that he doesn't know what the charges are. Marsha Pitt asked if it was legal that the council cannot answer citizen's questions. Judy Dinkel read a letter that was written by John Espenmiller. That letter is on file at City Hall. Terry Totten asked if the two people that were terminated know why they were terminated. Terry Francis stated that he had delivered a letter requesting information on the special meeting and is wondering if the council will satisfy the federal requirements of returning it to him in the allotted time. Renee Springston stated the rights of the persons who were terminated.

Chamber update: Chris Hartwig reported that the 4th of July celebration went well. The Chamber's next event will be a classic auto show/cruise on August 25th.

Clerk/Administrator comments: none

Motion was made by Crum and seconded by Council Member Clark to adjourn. 4 ayes.

Marilyn Keizer, Deputy City Clerk
Attest: Randy Fetter, Mayor