

Minutes of a meeting of the Logan Municipal Council convened in special session on Tuesday, April 29, 2008 at 6:30 p.m. in the Logan Municipal Council Chambers, 255 North Main Street, Logan, Utah, Chairman Tami W. Pyfer, conducting.

The purpose of the meeting was to hear public comment on the city's proposal for public park strip regulation and enforcement.

Chairman Pyfer called the meeting to order at 6:40 p.m., gave a thought and led the audience in the Pledge of Allegiance. She outlined the rules of order for the public hearing. Each speaker should give his/her name and resident neighborhood or city and would be allowed up to five minutes to speak. The Chair would attempt to provide equal time for comment from individuals on each side of the issue. At 8 p.m. the hearing would be closed, and staff would respond to questions raised during the public hearing. The Council would then discuss and consider a resolution on Parking Plan Implementation.

City Council members present: Stephen C. Thompson, Jay A. Monson, Tami W. Pyfer, Herm Olsen, and Laraine Swenson. City administration present: Mayor Randy Watts, Recorder Lois Price, City Attorney Kymber Housley.

Members of the press, city staff and an overflow crowd of over 125 citizens were present.

Chairman Pyfer opened the public hearing.

Mark Lunt, Island resident, was a long-time proponent and activist for the Boulevard Trail project. He said this trail when completed would clean up neighborhoods and accomplish the same goals as the parking enforcement plan. He voiced some concerns and wanted a committee in place to oversee the Boulevard trail construction. He said the trail would beautify the neighborhood.

Tom Worthen, Smithfield resident, was owner of a duplex in Logan built in the 1940's at 300 North 400 East. He purchased it several years ago and did not appreciate the rule change that would eliminate his parking stalls. He wanted the city to enforce on all new construction and allow that which was already in place to remain. He said the city had lured investors and was now banning parking strips. He said in the past this parking was allowed and even promoted by the city.

Leeann Lloyd represented a Logan resident who rented from Karl Davis. She read a letter from Mr. Davis' tenant opposing the parking ban. She said the enforcement hurt Karl Davis, devalued his property and had caused her to move from Logan.

Burt Lamborn, Adams neighborhood resident, supported the enforcement. He said the core issue was restoring character of neighborhoods that were once single family. Negatives in his neighborhood were garbage cans that were not removed from the street, junk cars, poor sidewalk snow removal, and apartment over occupancy. He said there was no family appeal in the neighborhoods. He said it was time to fix the problem and was glad city officials "had enough backbone" to do it. He said the intent was not to punish people but to clean up our city. He urged people to take responsibility and comply with the law.

Kim Datwyler, Director of Logan Neighborhood Nonprofit, supported the parking enforcement. She spoke about housing programs she administered that targeted low-income families and the need to help families relocate to inner city neighborhoods. She talked about the positive things homeownership brought to communities. She said rental was not all bad, but people were more invested in a community if they were homeowners. She said rental percentages in the Adams neighborhood were high, and she commended the Council for addressing the parking issue. At the present time, investors were willing to pay more for rental properties, which appraised higher than single family homes. At the higher price, single families were unwilling or unable risk buying the property. She said the Adams neighborhood would not be considered an affordable area by HUD standards at the present time.

Morley Cox was opposed. He asked if former city administrations had done something “horribly wrong” by allowing parking strips to be used for parking. He said the city was a disaster as far as traffic was concerned and now city officials were going to issue permits for cars to park on the street. He said the city’s plan did not give people due process. “These people are entitled to be heard. We need to keep cars off the streets. They intrude worse that way, and you’re going to lose twice,” he said.

Attorney Housley said this was not the first administration to attempt to address the problem. He said an ordinance was passed in 1998, but there was no political will to enforce it. He also said there was a process for grandfathering nonconforming properties that had been in place for several years. He said the grandfathering of parking in park strips would not be considered.

David Kidd who lived in the Center Street Historic District, said he was a single family homeowner with parking for one car on the park strip. He said the “brush stroke approach” to implementation was wrong. He did not think anyone in the neighborhood was opposed to his parking pad, but he was a victim of the enforcement. “We have to have a better avenue for people who were told by the city their parking pads were okay, and the city even helped in laying them out.” He asked that the city approach property owners and come up with win-win solutions in each case.

Terry Oliver said he lived east of the university and owned investment properties in the city. He said the citizens of Logan owned the park strip and if the citizens approved parking there, he did not think there was anything wrong. He owned two fourplexes where the only parking available was in the park strip. He said a fee for parking permits of \$3200 annually was an extreme cost of business that equaled one month’s income. Mr. Oliver told how the city had given consent to his parking arrangement by increasing the parking by one stall when curb and cutter was replaced. He said if the park strip was removed there would be room for two cars in front of the apartment. Tenants would be required to park across the street or around the block which he said was unsafe.

Arlene Miller, Wilson neighborhood, said she had studied the law and asked for explanations of it. She said the total law included more than parking and park strips and invaded property rights. She read from the land use ordinance where parking was not permitted in front, side or back setbacks. She read a petition she had written and explained she wanted existing parking in the park strips to be grandfathered.

Sandra Romesburg, Adams neighborhood, supported the city's actions. She said landlords should thank the Council for the use of city property for past years. Her advice to homeowners who had too many cars was that anything she bought she had to decide where to put it. This required planning and good decision making. She did not have sympathy for landlords who had an advantage over others for years. "These parking strips are not your property to use," she said.

Bruce Pendry, 440 East 400 North, Adams neighborhood, supported the Council's actions. He said many were framing this as a property rights issue, but parking strips had always been owned by the city and been under city control. He said the city had an obligation to protect its property in behalf of the citizens.

Kim Sullivan, Adams neighborhood, was a single family homeowner. She said she lived in a convenient location in central Logan but would like to have access to the sidewalk. She said sidewalks were not shoveled in winter and were blocked by parked cars. "We would like the sidewalks back in our neighborhood," Ms. Sullivan said.

Steven Taylor, 83 Canterbury Circle, was a former city council member. He said within the past year or more, the Council agreed to look at appropriate enforcement of the parking issue. He suggested sufficient time should be given in the building season to work through solutions. He did not think it was appropriate to designate areas by street where enforcement would take place. Mr. Taylor said there were areas where there was no other parking, and it was important the city take that into consideration. He also urged caution with parking permits which would be added bureaucracy. He thought the city should accept complaints from those who were affected by situations, not from a councilmember driving around town and turning people in. He said there were property rights issues that should be addressed on a case-by-case basis.

Jim Payant, River Heights, was opposed to the enforcement. He owned an apartment at 925 North 600 East. He talked about city review of his situation and the solution proposed, which was to cut down an old pine tree, tear down a fence and put two parking spaces in his back yard. He did not think this was an acceptable solution. Although the neighborhood had been downzoned to residential, more than 50% of the people lived in multi-family dwellings. He said if the city made promises to help property owners with solutions, he hoped they were better than what was provided to him.

Debbie Gerber, landlord, opposed the enforcement. She owned property around the valley and was disturbed about the process. She felt the goal was to get rid of apartments in neighborhoods, and she felt "picked on" as a landlord. She said the city needed to be fair to everyone. She also said she did not like the way the meetings were run and thought it would be interesting to see what decision the council made. She said the parking enforcement was turning neighbor against neighbor and friend against friend. Ms. Gerber told about her bad experience dealing with the city on two grandfathering issues. She wanted enforcement to be fair. She did not agree to selling permits for parking on public streets. She had issues with parking and was willing to beautify and clean up her rental properties but wanted fair treatment.

David Wolter, Boulevard homeowner, supported city actions. "Stay the course. It's the right decision."

Louise Brown said she was a landlord who did not live in Logan but was a former resident. She owned a rental unit in a commercial district in downtown Logan. She said she would be unfavorably impacted by the enforcement and had a strong belief enforcing the law would make it difficult to rent and/or to sell the property. She asked that the Council consider the possibility of “being not so ‘one size fits all’” in the implementation. For example, her property was located in a commercial zone with an RDA overlay. It seemed out of place to her to apply the same standard city-wide to all properties. She said perhaps to consider zone by zone was “too ponderous” but areas of residential and commercial, etc. could be considered separately in the decision making process.

Camille Welker said, by choice, she did not live in Logan. She city parking strips were city-owned property and property owners should follow the ordinances. She asked why decisions should take into account the financial conditions of property owners. She hoped the regulation was passed, because other communities would follow the lead. She did not believe economics was a valid argument.

Phil Betz, Logan business owner and Chair of the Cache County Constitution Party, said he did not live in Logan. He quoted from the State Constitution about property rights. He said the city was at fault by “aiding and abetting” use of the park strips. He asked how property owners could sell their properties when the rules were changed mid-stream. He questioned how government could enforce these kinds of rules on people when they were basically having their rights taken away. “Logan City says there are state laws that mandate that park strips are public property. If that’s the case, why didn’t Logan City tell people at the time they were getting ready to do these things not do them?” he asked. Betz suggested Logan change its motto from “Logan--United in Service” to “United in Defense of our Rights Against the Government.” He then asked if the Council believed many in the crowd thought Logan was a city united in service. He proposed another logo: “United in Bringing Reason to Supporting the Rights of the Citizenry.”

Tom Hale lived in the Adams neighborhood near Whittier Community Center. He said cars parked over the sidewalk impeded walking. He supported beautification of Logan and reclaiming the park strip. He said no matter what, we needed to be civil and treat each other like neighbors.

Chad Tilley, 482 North 500 East, Adams neighborhood, was opposed to moving cars from the park strip and creating parking in back yards that would take away places for children to play. He distributed photos to the Council and Mayor of his own back yard and properties that had followed the city’s directive to move parking into back yards. He did not want his children playing in the front yard next to the street. He said this was not the way to encourage single family ownership of homes. Mr. Tilley said the parking needed to be cleaned up and cars kept off sidewalks. He said this could be done and the city could be beautified. He asked that we be good neighbors and try to work together. He suggested using volunteers for cleanup. “Let’s clean up Logan City but not by ripping up the back yards. I’m a real estate agent, and single families won’t be encouraged to live there . . . By enforcing this rule, you will be driving buyers away.” He said if there were more good paying jobs, people could afford to fix up their property.

Bruce Crane, Adams neighborhood, agreed with much of what had been said. He stressed that over fifteen years, he had been actively involved in working to encourage neighbors

to comply with ordinances. He agreed we should be good neighbors, but he had spoken to owners, managers, and realtors and had not once received a civil response. He said when a concern was expressed they were “beyond rude.” He said less than a handful of landlords in his neighborhood complied with the law. He said most citizens trusted elected officials to do what was right for their city. “They have asked you to be their voice and their reason. The Constitution says the government is responsible to promote general welfare. I would ask you to do so tonight,” he said.

James Murdock, Smithfield resident and Logan property owner was offended when there were comments about blight on his property. He owned a legally grandfathered property on 200 East and had been ticketed for parking in the right-of-way. He received no solutions from the city’s Neighborhood Improvement staff. He said a garage stood in the way of getting parking in his back yard. He had to tear out the back of the garage and make it a drive-through. He was told he could not get a variance. He said the cost to provide parking in the back yard was \$10,000, and he felt he was out a total of \$30,000 to comply. He said Logan City had admitted to mistakes, but it was unfair to burden property owners for those mistakes.

Jeff Nielsen, Adams neighborhood, lived across from Whittier Community Center. He said some things about the proposal would be good for the neighborhood. He said he represented the neutral side of the issue. He said his property was very small and hoped there would be some leniency for property like his.

Bruce Rigby, Nibley, hoped the situation could be resolved in a peaceful, cooperative way. He owned apartments on 400 North and 300 East that he purchased as investment property for his children to attend school. He said the primary concern should be safety. He asked that the city not use the “brush stroke” method to deal with the issue, instead form a diverse committee that would consider each case individually.

John Eiman supported the proposal. He agreed with the woman who spoke earlier who was concerned about the downward spiral of inner city neighborhoods. He said the intentions and efforts of the city were to be commended. He hoped this was not “too little, too late.” He said he lived east of downtown on 200 East.

Chairman Pyfer extended the public hearing and reduced the time limit for each speaker to three minutes.

Martha Miller said she lived on the south side of 200 East. She was not “hugely opposed” to park strip parking being removed. She said there were many different situations to deal with. She hoped the Council would make wise decisions when dealing with the people who were in the “hot spots” of impact.

Emily Larsen, owner of a grandfathered duplex on 300 North 300 East, said she lived in Smithfield. Her main concern was safety. The parking strip had been used for parking for years before she purchased the property. She said tenants did not want to use the back yard for parking because it took away privacy, reduced property values, and took play areas from children. She said the parking strip at the apartment had always been used for parking.

John Gossner, Smithfield, said city officials had said previous councils lacked the political will to enforce the law. He said if they chose not to enforce it in order to get re-elected,

that's how it was. He said in the past, nothing had been done to help landlords enforce laws. He talked about the difficulties of being a landlord.

Ron Johnson, realtor, did not live in Logan nor did he own apartments. He said some landlords were facing financial ruin. Others were intimidated by the imposing methods of the Community Development Department. He said he had fought against these types of things as a soldier, and the city needed to take a good look at itself.

Ayako Darley, Adams neighborhood, said she was surrounded by grandfathered property but was not allowed a rental in her house that was built in the 1930's. She tried to get it grandfathered but was denied.

Gary Joy, lived on the Island in the Wilson neighborhood. He talked about removing the apartments from his house when they purchased it in the 1960's and converted the home to single family. He had sympathy for people and their parking problems but felt the current situation needed to be stopped and corrected. He commended the Council for what they were doing and asked that they stay the course.

Chairman Pyfer closed the public hearing and thanked those in attendance for their comments.

STAFF PRESENTATION.

Community Development Director Jay Nielson said a parking inventory of 159 city streets had recently been completed. He said there were 831 parking stalls on city park strips. He estimated that 400 cars would be parking on the street when the restoration plan took effect. Mr. Nielson said funds could be available through a Community Development Block Grant allocation to assist property owners in the restoration process. Parking enforcement would continue on a complaint basis.

There was a question about homes with circular drives since the Land Use Code did not permit parking in front yards. Mr. Nielson said tickets could be issued on a complaint basis.

Mr. Nielson said parking permits would be issued under the following conditions:

- *Permits to be renewed and purchased annually at a price to be determined;
- *Revenue to return to the neighborhood where incurred for installing missing sidewalks, repairing sidewalks, restoring park strips;
- *Parking limited to geographic area or neighborhood of the property;
- *Permit would not be for a dedicated parking space;
- *Property owner to be in compliance with city codes.

Mr. Nielson said there was capacity for 24 parallel parking spaces on any one block.

Councilmember Thompson asked how single families would be attracted to neighborhoods where there was no parking, when there was a \$200 parking fee every year with no dedicated parking space. He said this plan would not revitalize neighborhoods; rather the city should have a program to incentivize adaptive reuse of homes.

Councilmember Monson said there appeared to be only a few properties that would not have parking for single family residences, and there could be exceptions for these cases. He said the proposal did not take property away. Permit holders would be allowed to park on the street year round.

Councilmember Thompson asked how the city could charge for on-street parking by permit in the winter when parking was not available to the rest of the taxpayers during that time. He said on-street parking should be allowed year round. He asked how many apartment conversions to single family there had been since downzoning the Adams neighborhood approximately thirteen years ago. Mr. Nielson said he could provide that information at a future time.

Jay Nielson continued that the city proposed to streamline the administrative approval process. "We think bridges and critical curb replacements could occur within a six-month time period," he said. Mr. Nielson had prepared and reviewed seven diagrams of lot parking scenarios. "We will look at every situation. . . We have a parking permit application ready to use and will try to apply these principles . . . reason will have to prevail," he concluded.

There was discussion about changing lot setbacks in the Land Use Code. Mr. Nielson said current code allowed parking up to three feet from the property line. He recommended not allowing parking closer than one foot from the property line.

Chairman Pyfer asked for questions from the Council.

Councilmember Olsen asked if money was budgeted to begin enforcement this year. Mr. Nielson said Community Development Block Grant funds previously allocated to the "model street program" totaled \$200,000. This money could be available for the parking project across the community after reallocation as required by the CDBG public hearing process.

Chairman Pyfer was concerned about one of the conditions for issuing parking permits that could require back yards to be converted to provide parking.

Jay Monson asked about an appeals process. Mr. Nielson said the Board of Adjustment would hear appeals. Councilmember Monson said he thought a majority of the people wanted the Council to do something about the situation. He said changes that had been made to the proposal were good. He expressed sympathy for those caught in difficult situations but said it was a "different world," and the city could not leave the park strip situation as it was.

Councilmember Swenson agreed that over the years the parking situation had become so intense that the city needed to deal with it.

Councilmember Monson said he thought the outcome could be "win-win" and accommodations had been made throughout the process. He did not support voting on the resolution tonight but assured people he had heard their concerns, and there would be a process for appeal. He said parking permits needed to be discussed further.

There was discussion about putting the parking strip enforcement and regulation resolution on the May 6 agenda for action.

Councilmember Olsen said he had been out-of-town for several days and would like time to review information and emails that he had received. He appreciated the input process and excellent comments heard tonight.

Chairman Pyfer suggested Councilmembers contact Mr. Nielson individually with their concerns and questions before the next meeting.

After further discussion it was determined that Councilmembers Swenson, Thompson and Pyfer were going to be out of town on May 6, so there would not be a quorum for that meeting.

Councilmember Thompson said he still had concerns in terms of program manpower and costs.

Mayor Watts spoke in support of park strip regulation and enforcement. He believed Logan's inner core needed to be addressed and that parking situations needed to be addressed case-by-case.

There was a brief discussion about the appeal process to the Board of Adjustment. Mr. Nielson explained that the removal of park strips would not be an issue that could be appealed to that board. Attorney Housley said staff decisions could be appealed to the Board, i.e., parking permits or on-site parking solutions.

Councilmember Swenson said there were already people who had made significant investments to comply with the rules.

Mr. Nielson said it was not the intent of the proposed regulation and enforcement to mark Logan as "renter unfriendly."

Councilmember Olsen said part of his concern was that individuals had approached the city and felt there was rudeness or inconsideration on the part of staff. He recognized that Mr. Nielson did not condone this action on the part of the staff, but the City needed to move forward with dignity and sensitivity in the process.

Chairman Pyfer proposed canceling the May 6 meeting and holding the next regular meeting on May 13. Public hearings noticed for that night were continued to May 13. She announced the park strip regulation and enforcement resolution would be an action item on that agenda.

Chairman Pyfer said there would be no budget workshops held the week of May 13 but dates and times would be discussed. She said the proposed parking implementation plan would be posted on the city website.

There being no further business, meeting adjourned at 9:30 p.m.

Lois Price, City Recorder