

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 18, 2009 at 5:30 p.m. in the Logan Municipal Council Chambers, 290 North 100 West, Logan, Utah. Chairman Laraine Swenson conducting.

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

### **OPENING CEREMONY.**

Mayor Randy Watts offered the opening prayer and led the audience in the pledge of allegiance.

Chairman Swenson welcomed those present. There were approximately 125 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from August 4, 2009 were reviewed and approved with minor changes.

**Meeting Agenda.** The meeting agenda was approved. Chairman Swenson announced at tonight's meeting there would be one public hearing regarding a proposed ordinance adopting Regulatory Business Licensing of Owners of Rental Dwellings. The public hearing will be limited to one hour.

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

No comments for the Mayor or Council.

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

Mayor Watts announced the public open house of the City Hall and Police Department building on Thursday, August 20, 2009 from 12:00 noon to 7:00 p.m.

### **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, September 1, 2009.

Two upcoming council meetings will be held on the same evening as the Primary Election, September 15 and the General Election, November 3. Both council meetings will be held on these two dates as planned.

### **ACTION ITEM:**

**PUBLIC HEARING: Consideration of a proposed ordinance adopting Regulatory Business Licensing of Owners of Rental Dwellings – 09-66.**

Motion made by Councilmember Monson to table the proposed ordinance and wait 90 days before making a decision. Tonight's public hearing will still move forward but he would ask that no decision be made tonight. He would like to wait until a study is completed by a designated committee and give it more time for discussion.

Councilmember Olsen also stated that he reviewed a letter from Kent Dunkley recommending the creation of a committee to study this issue and he feels this is appropriate.

Councilmember Pyfer suggested that Councilmember Dean Quayle serve on the committee.

Chairman Swenson stated the council will vote on the motion following the public hearing. The committee will be formed under the direction of Community Development Director Jay Nielson and Councilmember's Herm Olsen and Jay Monson will serve on the committee and the committee will also consist of various landlords as well as others who have an interest. The public hearing will move forward tonight.

Councilmember Pyfer said in Kent Dunkley's letter both she and Councilmember Quayle were mentioned and they volunteered to serve on the committee.

Chairman Swenson responded that part of the discussion was the timeline of the committee and that both Councilmember Olsen and Councilmember Monson will be here past January and the committee needs to remain consistent. The City staff will work with some of the landlords to form a complete committee.

Chairman Swenson gave background on the proposed ordinance. It's been understudied for over a year, gathering information from other cities on what they were doing with their rental ordinances and have been meeting as a committee for nine months. Elements of the proposed ordinance were discussed and twenty landlords were contacted during the course of this time to discuss licensing in general. The reaction is mixed with concern and support for the ordinance. The Good Landlord Program was discussed in great detail and which cities have implemented landlord licensing and which have not and why. It was determined in the proposal given tonight, to use a lower and real figure rather than a disproportionate fee, and costs associated with incentives and training of whether or not to use the Utah Department of Association or do in house. Training is a component of the ordinance being proposed tonight. Community Development Jay Nielson and his staff have also met with Paul Smith to learn more about the Good Landlord Program which is not a substitute to licensing but ancillary to it. Generally going along with the Good Landlord Program are inspections and licensing. This issue has been seriously considered over the past year and a lot of time, study and effort has gone into this issue and every large community in Utah has or is in the process of creating a licensing program in their City.

Chairman Swenson explained that the public hearing will last up to one hour and each speaker will have up to 2 ½ minutes to speak. Debbie Zilles from the Community Development Department is the timekeeper. The speakers will go in the order of pro, con and so forth. She also asked that during the public hearing that rules of conduct are

observed. There will be no clapping, cheering or jeering, which will be cause for termination of the hearing. and respect should be shown to each speaker. Each speaker should state their name and what City they are from.

Chairman Swenson opened the meeting to a public hearing which began at 5:50 p.m.

Pro - Russ Larsen, Smithfield. Three years ago he lived in Logan as a renter and lived under a poor landlord. He is in favor of billing the landlord licensing division to protect the landlords and the tenants and feels this is a right for all people. If landlords have a right to check on tenants, then tenants should have a right to check on landlords. He would like every City to create landlord licensing so everyone has a fair chance at good housing.

Con - Tom Worthen, Smithfield. He feels that safety is an important thing to achieve. Tenants won't get anything out of the new licensing which they already can get with a call to the landlord, building inspector or fire inspection that can enforce codes. Go after the rentals that have the problems. The burden is upon Logan City to show safety issues. The vast majority of rentals do not have safety issues and most are legal. He feels that Logan City should care about all residents and not just rentals.

Pro - Issac Timm, Logan. He lives in a rental property that is controlled by a poor landlord and his roof is falling apart. He feels if they are a good landlord and property owner then they should not be worried about the proposed licensing. As it stands now, why aren't apartments inspected to live in. In the apartment he lives in there are fireplaces that are improperly vented and repairs that need to be done. He feels that property managers aren't necessary to blame but renters are not the problems either and he would like equal representation and he treats his property with respect.

Con - Brent Wattsworth, Smithfield. He is a landlord, has owned rental properties in Logan and he is a responsible landlord. Licensing will not help or hurt him and \$50 is not going to break him. He feels safety is not persuasive and we should educate people who rent and tell them where they can go to voice their complaints. The other issue is the comment made by Mayor Watts at an Adam's Neighborhood Council meeting where he talked about taking back the neighborhoods for single family residents. This is a step in that direction which gives the City the opportunity to go in and see the homes that have been converted and shut down properties that the City no longer wants to have as a rental. He feels it has nothing to do with safety and much to do with a policy decision that we will remove rentals from some neighborhoods in Logan. Do not do this on the backs of responsible managers and owners of properties who try and keep their rentals safe and inhabitable for renters.

Pro – Logan City School Superintendant Marshall Garrett, Logan. His concern is the safety of children grades kindergarten through high school. Where a child lives makes a difference in how well they do in school. Some children in Logan come from homes that are not from safe environments and it makes school difficult for these students. The vibrancy of neighborhoods is a concern and having 56% of housing within the City in rentals is a challenge for the school district. The stability of middle class families is in question. It is important as a City to have a strong school system and have strong neighborhoods. On a personal note, his daughter and son-in-law looked at 45 homes to

rent and the majority of these homes were not livable with many problems and they did not feel comfortable renting any of them, they did finally find a home. He wants this community to be strong and work together to make this happen.

Con - Keith Tilley, River Heights. He has rented properties in Logan since 1952. He feels the City is damaging properties and the right to own properties and he is opposed to this ordinance.

Pro - Erin Timm, Logan. She feels that licensing will help tenants. Her roof is leaking and her landlord is not taking care of the problems at her rental. She also called Logan City and nothing has happened. She feels that landlords hold tenants hostage because they know the tenant has no other place to go and the tenant feels if they complain then the landlord will evict them. She is strongly in support of licensing all landlords and that City inspectors will come out and see what needs to be repaired.

Con - Chad Tilley, Logan. Mr. Tilley lives in the Adam's Neighborhood Park area. He takes offense to people downgrading his neighborhood and feels the approach to this issue is wrong. He is running for city council and feels that over regulation is not the answer and self regulation is the best answer to improve properties. Logan is a great city because of the citizens, landlords and renters. We should not put one against the other and all of the work will deteriorate and things will not improve. Improve the economic situation in the City and help create better paying jobs to help pay to fix these properties. People will fix the properties not the City or anyone else.

Pro - Fred Duersch, Logan. Mr. Duersch is the current Chairman of the Adam's Neighborhood Committee. He indicated that he is in support of some form of landlord licensing. He feels that the license is a protection for the landlord because the City inspection verifies the rental property meets required safety standards. The license is also a protection for the tenants who rent the property because they have assurance that basic safety standards are in place and that they have the right to report problems without retribution or threats of eviction. The inspection also identifies rental properties that do not comply with basic safety requirements and could be a tool to encourage landlords to bring their property into compliance. Those who own rental property should make every effort to ensure their property is maintained and meets safety standards by always hiring licensed and bonded contractors to make needed repairs. It appears to him that most of the rental appearance and safety problems are with rental properties owned by absentee landlords many of whom don't live in Cache Valley. Landlord licensing may help in discouraging absentee landlords from investing in rental properties in Logan.

Con - Mike Morrill, Logan. Mr. Morrill stated that he is running for the Office of Mayor. He disagrees with the current leadership on the landlord licensing issue and would like to have safer apartments. He doesn't feel we need another level of bureaucracy in between the renters and landlords. He will oppose any attempt on the part of the City to further encroach on the rental properties with the unnecessary new license of landlords. He stated that under current law, under probable cause we have the right to go into a property and to make sure it meets code.

Pro - Bruce Crane. Logan. Mr. Crane lives in the Adam's neighborhood. He would like to thank Mayor Watts and the Council for their efforts and asked them to keep up the good

work. He supports landlord licensing and feels if each landlord has more than one unit they should have a license for each apartment building the landlord owns. He feels Logan is a better place because of the efforts being made.

Con - Shawn Lawlor, Logan. Mr. Lawlor lives in the Adam's Neighborhood. He has owned a duplex for several years and feels very threatened by this issue. He has a good relationship with his tenants and his main concern is the fee being \$50 now and then in the future it could increase. He would like Logan City to ensure that the fee will not be increased in the future and hurt him financially. He is worried the fee could become more and he doesn't feel secure that the City won't make future changes.

Pro - Kris Lamborn, Logan. Ms. Lamborn lives in the Adam's Neighborhood. She feels that landlords should be licensed and their properties should be up to code with yearly inspections from the Fire Marshall and building inspectors. She gave several examples of poor management of apartments and repairs that need to be made on a consistent basis.

Con - Rick Rose, Smithfield. Mr. Rose owns property in Logan. He talked about the rights of people and the community. He asked the Council to stop the paternalism.

Pro – Alan Hinckley, Logan. Mr. Hinckley lives in the Woodruff Neighborhood. He asked is renting an apartment a business and he feels it is and that apartments should be licensed. He feels that good, conscientious landlords will support and will benefit with landlord licensing and they will support this change once they understand it.

Con – Steven G. Stokes, Logan. Mr. Stokes is running for city council. He is opposed to landlord licensing and feels with the recent park strip issue, a lot of problems have occurred and he feels there are laws in place and they should be observed. He is an apartment owner and lives in his rental property. He feels that landlord licensing won't happen overnight and will take years to do. He would like to educate landlords and help them understand what is already in place.

Pro - Walt Merrill, Fruit Heights. Mr. Merrill is an attorney from Ogden. He is unbiased and is not a landlord in Logan. He applauded the Council for their concern of the safety units in Logan. He has seen the success of the Good Landlord Program in the Ogden area. It has reduced crime significantly and has also provided much needed training for landlords. He encouraged Logan City to consider this program and how it can benefit the City.

Con - Donald Speth, Providence. Mr. Speth asked the Council is the proposed ordinance valid or will it be changed?

Chairman Swenson responded that the ordinance he is referring to is the new ordinance and wants to give as many people as possible to voice their concern without the Council responding to questions at this time. No action will be taken at tonight's meeting.

Mr. Speth continued stating that he understands that USU housing is not included in this document and he appreciates the time to voice his concern.

Pro - Tom McCary, Logan. Mr. McCary is a senior partner of a group that owns property in Logan. He is from the Adam's neighborhood. He supports licensing but not for this particular ordinance the way it has been written. He stated there is no provision to help the current landlord. He invested \$500,000 of his own retirement into Logan City for rental units and he wants to be licensed but feels that changes need to be made. He has a 1928 rental and would like help bringing this unit into code.

Con – Tyson Gerber, Salt Lake City. He is 25 year old man who currently lives in Salt Lake City and once lived in Logan City. He has lost everything, recently finding out that his apartment building tested positive for methamphetamine and has now been condemned. He has lost the equity and the unit is not livable after all the work he has done.

Pro - Paul Smith. Mr. Smith is the Director of the Utah Department Association. He is a landlord and owns 17 units from Sandy to Ogden and works with landlords. He is a landlord advocate and recognizes their concerns. There are regulations in place and he appreciates the motion to step back from this issue for 90 days and give more time for public input. Everyone needs to come together and feels that more goals are in common with each other. He supports the Good Landlord Program and would like to educate everyone on this program.

Con – Jeff Nelson, Logan. Mr. Nelson is against landlord licensing and feels Logan City is at fault because they are not pushing the laws that are already in place and he feels a license will not make a difference. He has a sidewalk problem in front of his home that has never been addressed by the City after he has called for 14 years. He would like to know where the money from the licensing will go and how it will be used.

Pro - Marilyn Griffin, Logan. Ms. Griffin lives in the Adam's neighborhood and thanked Logan City for the beautification and calmness that has been brought to the neighborhoods. She has nothing against renters but does when people make changes to the neighborhoods and do things they shouldn't. She feels the Good Landlord Program should be considered by the Council and make improvements for everyone.

Con - Janet Brower, Logan. She feels we already have regulations in place and the City needs to enforce the particular problems that are out here. There is too much regulation going on and trust is an issue with her. She does not agree with the park strips currently being enforced.

Chairman Swenson closed the public hearing at 6:50 p.m. Those still wanting to voice their concern should send an e-mail to City Recorder Teresa Harris at [tharris@loganutah.org](mailto:tharris@loganutah.org).

Councilmember Quayle supports the motion that was made earlier by Councilmember Monson to delay making a motion on the proposed ordinance for 90 days.

Councilmember Pyfer invited Paul Smith to come back at some point in the future to make a presentation regarding the Good Landlord Program

Chairman Swenson asked Rich Anderson to respond to the question regarding the \$50 fee.

Finance Director Rich Anderson responded the State of Utah regulates what we can charge for fees and the landlord licensing fee is the same as a business license fee. The proposed fee is actually \$25 if the landlord signs up within the first six months. The cost is set by combining the cost we currently have and it will raise approximately \$50,000. It is based on the current cost of licensing and is the least expense of the license fees we currently have now. The renewal fee is \$25.

Chairman Swenson stated if we go to the disproportionate fee then the costs of police and fire service that are extra to multi unit housing are counted in and that disproportionate fee can change the figure significantly.

Chairman Swenson asked Kymber Housley to respond to the question regarding property that was built before ordinances.

City Attorney Housley said this is regulated by State code and they mandate the code that was established at the time it was built or legally established and received a building permit.

**ACTION.** Motion by Councilmember Monson to postpone action taken on Ord. 09-66 for 90 days seconded by Councilmember Quayle. Motion carried 4-1, Chairman Swenson opposed.

#### **WORKSHOP ITEM:**

#### **Consideration of a proposed request to rezone to CE (Commercial Entry) property at 1995 South Hwy 89/91 in the Manufactured Home Zone – 09-64 – Kristen Clifford.**

Community Development Director Jay Nielsen introduced Community Development Planner Kristen Clifford.

Ms. Clifford stated this is a proposed zone change of the CE (Commercial Entry) property at 1995 South Hwy 89/91 in the Manufactured Home Zone. The Planning Commission unanimously recommended approval of this request which is a 2.3 acre parcel. One of the main topics of discussions is future access which was not approved as part of the zone change. UDOT was contacted and access will be shut down from the highway once a commercial project comes into submittal for development. The Logan City General Plan designates this as a gateway zone and is in compliance with what the General Plan proposes.

Chairman Swenson asked when we will have a code that will zone something as a gateway.

Ms. Clifford responded that revisions have been made on this code and they are getting closer. Commercial entry is very similar to the gateway zone. The only change is the zone and it is not based on any particular project that might come forward. The property

owner is trying to sell the property as a potential commercial area and that is the reason for the proposed zone change.

Councilmember Monson feels strongly about corridor preservation and he is not sure how he feels about approving this zone change.

Ms. Clifford responded the use is in commercial entry and is very similar to what the gateway zoning district would recommend in the General Plan.

Councilmember Olsen also supports the gateway project and does not want this concept to weaken a future gateway project. He asked whether there is increased access for any commercial development under the current plan or does that access have to be somewhere else.

Ms. Clifford responded that access will be from 1100 West which UDOT has determined. This is based on the category of the highway and any future commercial use will be from 1100 West.

Chairman Swenson asked is 1100 West slated for a future stoplight and asked about traffic being diverted and will all roads continue with access to a stoplight.

Community Development Director Jay Nielson responded there will be a major change in the intersection of 1000 West and 89/91. There will be a stoplight and all traffic will be accessing that intersection. There will be a realignment and that road will continue on and connect with 800 West in Nibley.

Councilmember Monson asked about a frontage road along the highway.

Mr. Nielson responded there will not be a frontage road in this location.

Public Works Director Mark Nielsen said the corridor agreement along this stretch of the highway it will be right in/right out and there won't be access to 1100 West from the highway from the businesses and people will have to go to 1800 South to access.

Councilmember Monson said he will probably vote against this zone change because he feels we need to restructure the highway and resurrect corridor preservation and work with other cities to preserve this area.

Councilmember Olsen feels if this zone change were approved the Council could add a stipulation that there be no US 89/81 access on the property so that any access would be on 1000 West or 1100 West and there would be some other alternative.

Councilmember Pyfer feels this would tie the hands of property owners and how would they be able to sell their home on this very busy highway.

Councilmember Monson stated that was the entire idea of the corridor preservation and it was unfavorable. The citizens of the County voted down the money to preserve land. The State is still interested and there is still State money available to preserve these areas

and it could be used for agriculture purposes. It could never be commercial or for future home sites.

Councilmember Olsen stated this is a development easement and this project may not qualify.

Mr. Nielson said the corridor preservation was never adopted as a plan and there was never a conclusion. The reason this property owner applied is because this is consistent with the General Plan. It is the council's prevue to decide when they rezone and the property owner wants to sell the property.

Chairman Swenson announced this will be an Action Item and the next meeting on September 1, 2009.

**Consideration of a proposed request amending the Land Development Code's sign section to allow advertising on CVTD bus shelters, benches, and route maps within the bus shelters – 09-65 – Russ Holley.**

Community Development Planner Russ Holley addressed the Council. The proponent, Cache Valley Transit District, met with staff and discussed their desire to expand their advertising. Staff reviewed the application against the General Plan mainly in Chapter 8 which discusses Logan's unique community and character and the General Plan does not specifically talk about outdoor advertising but it does talk about the positive and negative impacts to the community. Staff feels that outdoor signage can be a negative but in response to the application, the drafted code amendment with this being a minimum impact that only CVTD or public transit stops in the right of way would be allowed to advertise. No signage would be allowed in the historic district and only allowed in the commercial or industrial zone. A 24 square foot maximum sign. No signs would be allowed on the bus stop benches and no sign illumination. The Planning Commission met and made the following changes that signage would be allowed on both sides of the bus shelter perpendicular to the street and signage would need to be transparent.

Chairman Swenson asked why signage would not be allowed in the historic district.

Mr. Holley responded because of the historic character and outdoor advertising should not be allowed in this area.

Chairman Swenson stated that she has always been proud of the high standards and the preservation of our community. She met with Transit Director Todd Beuhler and his Assistant Lisa Peterson and she feels the ads will deter from the value and character of the community. She appreciates that we can drive down the street and not have our vision drawn to an advertisement and she will oppose the signage request.

Councilmember Olsen asked about possible sign location and if this were approved that only one side would have the advertisement.

Mr. Holley responded that yes, it would only be one sided and would be one 24 square foot maximum sign and they can choose which side they want to advertise.

Councilmember Olsen asked is this signage permitted privately. Are we proposing to allow the CVTD and not allow other businesses?

Mr. Holley responded yes, we have a no off premise signage in the code and no signage in the right of way and the amendment would include adding this to only allow CVTD into the code.

Councilmember Olsen asked if the County Council has been contacted regarding the signage request outside Logan City.

Mr. Holley responded he has not contacted Cache County and he knows there are signs on the bus stops outside Logan City.

Councilmember Pyfer stated that once advertisement is allowed on the bus in general how we can stop advertisement on the benches. They raise about \$3,000 per month from the advertisement and where this is a fare free system it helps to keep the bus system running.

Councilmember Monson stated he doesn't like the advertisement on the bus benches.

This will be an Action Item at the September 1, 2009 council meeting.

**Budget Adjustment FY 2009-10 appropriating: \$7,640 for aerial photo program; \$91,000 for the land development code; \$10,000 for the Blacksmith Fork River Trail; \$100,000 for the Fire Station 70 renovation; \$200,000 for the Transportation Capital replacement project; \$106,326 for the Radio grant; \$38,944 for the JAG grant; \$50,000 for the 2007 CDBG grant; \$176,293 for the 2008 CDBG grant; \$361,715 for the 2009 CDBG grant; \$4,785 for the Youth Alcohol grant; \$3,000 for the Historical Markers grant; \$17,932 for the LSTA library grant; \$800 for the Professional Development grant; \$10,108 for the state EMPG grant; \$75,244 for the SAFG grant; \$51,777 for the State Alcohol Enforcement grant – 09-67 – Richard Anderson.**

Finance Director Richard Anderson addressed the council and reviewed the proposed budget adjustment.

Councilmember Olsen asked about the projections for sales tax.

Mr. Anderson responded that Logan City has been very conservative in the projections. We are seeing greater drops in sales tax but it is not catching us off guard and he feels there is reason to be optimistic.

Councilmember Monson asked about Walmart and their sales tax.

Mr. Anderson stated he does not have sales tax information from Walmart and in approximately six months should have more information on their sales tax. There is a lot of promise in the local and national economy. He will keep the Council well informed of any changes.

Councilmember Quayle asked about auto sales and do we anticipate anything coming from this area.

Mr. Anderson responded that auto sales were down significantly about 50% and he feels there will be an uptake in the next few months.

This will be an Action Item at the September 1, 2009 council meeting.

**Primary Election Polling Places – September 15, 2009 – Teresa Harris.**

City Recorder Teresa Harris addressed the Council and presented a draft list of election polling locations and a proposed election judge list.

This will be an Action Item at the September 1, 2009 council meeting.

**OTHER CONSIDERATIONS:**

Councilmember Monson asked about the new council chambers and had suggestions of what can be done. He requested that the computer monitors be removed because they are blocking the view of the Council and the audience.

Mayor Watts stated that changes will be made and will work through the concerns.

Also suggested was an extension of the microphones.

Public Works Director Mark Nielsen said he will explore the options and make changes as needed.

Chairman Swenson would also like to be able to see the staff and have them located in front of the Council.

Councilmember Monson thanked the Public Works Department for their in-kind help with the Whittier Center Adventure Playground.

There being no further business to come before the Council, meeting adjourned at 7:40 p.m.

Teresa Harris, City Recorder