

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, August 4, 2009 at 5:30 p.m. in the Logan Municipal Council Chambers, 255 North Main, 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. Fire Chief Mark Meaker offered an opening prayer and led the audience in the pledge of allegiance.

Chairman Swenson welcomed those present. There were 64 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from July 21, 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 two public hearings regarding a property tax increase and a budget adjustment.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

David Fawcett, resident of Logan City, addressed the council regarding the proposed firearms ordinance and the change he feels needs to be made. He represents several people who were recognized in the audience. Mr. Fawcett requested the council not move forward with a proposal that control of local firearms be handled at a local level.

MAYOR/ STAFF REPORTS.

PROCLAMATION "LOGAN FIREFIGHTER APPRECIATION MONTH": MAYOR RANDY WATTS.

Mayor Watts read a proclamation designating August 2009 as Logan Firefighter Appreciation Month. The City of Logan also recognized The Muscular Dystrophy Association (MDA) with exceptional achievement.

Fire Chief Mark Meaker stated that over half of the money raised for the MDA comes from firefighters and their boot program. Chief Meaker introduced Logan Firefighter Mike Porter who runs the MDA boot program. Firefighter Porter stated the MDA program is very close to his heart and he is happy to participate in the program.

BOARD APPOINTMENTS: MAYOR RANDY WATTS.

Mayor Randy Watts asked for ratification from the council for the following appointments to the Neighborhood Council:

Jlene Hansen – Wilson District
Justin Conrad – Hillcrest District
Marilyn Liddle – Bridger District

ACTION. Motion by Councilmember Monson seconded by Councilmember Pyfer to approve the Neighborhood Board appointments as presented. Motion carried unanimously.

Mayor Randy Watts announced that the next city council meeting will be held in the new City Hall building located at 290 North 100 West and the meeting will be televised. He also announced there will be a public open house of the new City Hall and Police Department building on Thursday, August 20 from 12:00 Noon to 7:00 p.m.

CENTER STREET TRAFFIC: PAMELA RILEY.

Pamela Riley addressed the city council regarding Center Street traffic. She stated that approximately three years ago, signage went up on Center Street regarding truck traffic on Center Street. Ms. Riley has lived on Center Street, in the Historic District, for the past 31 years and she and others are concerned about the high level of traffic and the speeds of the drivers. She also asked why there is a yellow line down the road and she feels the line should be removed. The Center Street residents want to protect the neighborhood and the children that cross the street. She requested that stop signs should go in on Center Street to keep the speeds down. Another problem is Logan City trucks that constantly use Center Street. She requested that if the trucks aren't doing business or projects on Center Street that they use another route.

Public Works Director Mark Nielsen addressed the council regarding Mr. Riley's concerns. He will check and see if the yellow striping can be removed and the reasons for having it in that location. Regarding the stop signs, if traffic is only stopping one way there is latitude but if a four way stop is requested, further studies will need to be done. Mr. Nielsen will report back to the council on these concerns. He will also address city vehicles on Center Street with city departments. He will report back to the council at the September 1, 2009 council meeting.

PROPOSED TABERNACLE PARKING STRUCTURE: STEVE THOMPSON.

Steve Thompson and Christian Wilson with Design West Architect addressed the city council and gave a presentation of a proposed parking structure East of the Logan Tabernacle. Mr. Thompson would like the council to consider if this is something the council and the City would like to pursue and if so then he will take this proposal to the LDS Church.

Christian Wilson showed a 3-D presentation of the proposed parking structure. Also being proposed is an underground tunnel from the Tabernacle going under Main Street and coming out in the basement of the Coppermill Restaurant. The proposal is for an additional 399 parking stalls.

Mr. Thompson stated this parking structure will allow vehicles and people to get out of the weather and will connect the East side to the West side. He has talked with the

Coppermill Restaurant and they are in agreement to allow the tunnel to come out in the basement of their restaurant. Mr. Thompson also met with Bishop Burton at the LDS Church offices in Salt Lake City and presented this idea. He is not sure who will own the parking structure and who will maintain the parking area after it's built, this is something yet to be decided.

Councilmember Olsen asked about the three levels and is there a water table concern.

Councilmember Monson responded there was a concern about the water level and at one time there was a discussion of tearing down the Tabernacle because water was seeping through the foundation. Utah State engineers were called in and they were able to shore up the foundation but there is still a high water table in this area.

Councilmember Olsen also addressed the storage area that is already in place next to the parking lot and asked if this will remain. A tunnel will need approval from UDOT and he also received a call from a concerned downtown business owner who feels the parking structure is too far away from downtown and people will not use it. A preferred parking structure was suggested behind the Coppermill or behind the Eccles Theatre.

Mr. Thompson stated the funding for this proposed project could possibly come from the LDS church. Funding could also come from UDOT for the tunnel project. He stated this project has not gone through the Historic Preservation Committee at this time.

Councilmember Monson is concerned about the historic issue of the project and also feels the tunnel will have graffiti and problems in this area. He suggested that Steve Thompson take this project to the Historic Preservation Committee.

Councilmember Pyfer said that she likes the proposal and the idea of an underground tunnel for people to access the businesses on the West side. This is much safer than people crossing mid block.

Chairman Swenson complimented Mr. Thompson on this concept and asked about the cost of having the structure completely underground and not change the footprint of the existing parking lot area.

Mr. Thompson responded he is concerned about the water table and he has not looked at the cost of a one level parking structure. Depending on the cost, he would like to see a garden area on the top level of the structure. The structure will make the Tabernacle more usable and friendlier for everyone.

Mayor Watts feels the concept should be taken back to the LDS Church and get their comments and then take it to the next stage.

Mr. Thompson will continue to pursue this concept and will report back to the city council at a future meeting. He will also talk with local church leaders, bishops and stake presidents and get their input.

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, August 18, 2009.

Chairman Swenson thanked Police Chief Russ Roper for his contribution to the community and his service at the police department.

ACTION. Motion by Councilmember Monson thanking Chief Roper for his service. seconded by Councilmember Pyfer. Motion carried unanimously.

ACTION ITEMS:

PUBLIC HEARING: Property Tax Rate Increase: Consideration of a proposal to raise the 2010 certified tax rate as applied to property tax – 09-63.

The public hearing began at 6:15 p.m.

Finance Director Rich Anderson addressed the city council and said in accordance with State law, if the City wants to increase or adopt a rate higher than the certified property tax rate it must hold a truth in taxation hearing and that is what we are doing at this time. The council's approach over the past five years has been to hold the rate steady and that equates to a relatively small increase in property tax, equivalent to the rate of inflation. This is done to keep property tax a viable source of revenue for the City to allow us to do capital projects and avoid a property tax increase for several years and then pass a very large property tax increase which is what other cities have done throughout the State of Utah. Regarding the certified rate, this is a rate that gives the City the same revenue it received in the previous year plus new growth for new customers. As property values increase the rate decreases so it gives the City the same dollar amount. Under that calculation there is no adjustment for inflation and no adjustment for cost of living.

Regarding the city budget, there will be no raises for city employees this year. There is also a high deductible \$5,000 that is now in place for the employee's health insurance. Capital projects were cut in the general fund in the amount of 2.5 million dollars. A small amount will go towards transportation in the amount of approximately \$170,000.

Logan City is holding their rates steady. If property values stay the same, property taxes will remain the same or go down. If property values go up then the homeowner will pay more. Mr. Anderson stated that Logan City has no say in property values; it all goes through the County. The County cannot reassess every home every year therefore, they are on a rotation. One year there could be a large increase and the next few years there might not be an increase and it could go down. If the value is incorrect there is a mechanism in place to appeal the amount through the Board of Appeals with the County.

Chairman Swenson clarified this increase is a Cache County function and not a Logan City function regarding property values. The amount of approximately 17% of taxes paid come back to Logan City.

Mr. Anderson stated that Truth in Taxation is a good law but is a disadvantage for taxpayer's because they are treated differently each year. Logan City controls the property tax rate and we are raising the rates 4.4% which is \$10 per year on the average home in Logan. The increase will go toward transportation and there is also a small increase in the library which will go toward library functions.

There is a "circuit breaker" in place through the County office to help citizens on a fixed income. He feels it is very likely that people, if they appeal their property value, will receive their requested change.

Chairman Swenson opened the meeting to a public hearing.

Citizen Julian Griffin lives on Quailway in Logan. He is living on a fixed income and voiced his opposition to any tax increase.

Councilmember Monson suggested that Mr. Griffin contact the County offices and appeal his property tax increase.

Citizen Dave Johnson addressed the council. He is opposed to a tax rate increase at this time. He would like the tax rate lowered especially during these tough economic times.

Citizen Warren Myers addressed the council and said that homes are reassessed sooner than every five years and every year the tax goes up.

Citizen Steven G. Stokes addressed the council and asked the council not to raise taxes this year.

Citizen Robert Horning addressed the council and stated that he is also concerned about the tax increase. He suggested holding the tax rate where it is now.

Chairman Swenson closed the public hearing.

Councilmember Monson asked that information goes out to the public that Logan City is holding the rate steady.

Councilmember Pyfer stated the council has made the decision to hold the rate steady. She feels this year is the "perfect storm" with the economy and the revaluation on property. However, she doesn't want to back track and have problems again. If we hold the rate steady we might see a decrease in taxes because there could be success with citizens appealing their property value.

Councilmember Quayle stated there is time to appeal the property value and he agrees we need to keep the rate steady. This is a really hard issue to discuss especially during these tough economic times.

Mr. Anderson stated the sales tax rate for transportation was increased, 0.25% of which goes toward the County road tax. The City held the property tax rate steady last year and it resulted in a 0.5% tax increase.

Councilmember Swenson said she hopes everyone realizes the services they receive for the taxes they are paying. She feels that Logan runs a tight ship and she personally feels that her tax dollars are well spent and she applauds the people and staff of Logan City. The only areas that could be cut would be services such as police, fire and garbage and people don't want this to happen.

Councilmember Pyfer stated she personally pays \$190 in of taxes which go to Logan City and out of that she receives services such as police, fire and garbage.

ACTION. Motion by Councilmember Pyfer seconded by Councilmember Monson to approve Res. 09-63 as presented. Motion carried unanimously.

Adoption of the F/Y 2009-10 Budget: Revenues and Expenditures - 09-62.

Councilmember Olsen stated that regarding the civil service test that brings in both fire and police, the impression he has is the test is given once a year. It was brought to his attention that a police officer candidate from Salt Lake City wasn't able to take the test when it was scheduled because of a medical issue and the candidate was told the test is only given once a year and could not take it at another time. He opposes the section of the budget that deals with the civil service application and if changes aren't made he oppose the budget.

Fire Chief Mark Meaker stated that firefighter tests are only given once every two years. He stated it's impossible to draw the line for things that come up and candidates aren't able to take the test when it's scheduled. It's impossible to accommodate every person. The test is designed for the conditions that people face here in Logan and not other areas in Utah. From the testing they develop a list of applicants and hiring is taken from that list.

City Attorney Kymber Housley stated this testing policy isn't unique to Logan.

Police Captain Jeff Curtis said testing is done every year for the police department. He stated the test is fair and equitable for everyone and it shows integrity of the person that they have the desire to be there. The testing process is very extensive and goes through different scenarios and each one is different so to bring someone in at a different time they would get a different scenario and doing that would not make it fair to the other candidates. They also have a waiting list of candidates they hire from.

Chairman Swenson asked what is the dollar amount for testing.

Chief Meaker stated the cost is approximately \$200 per candidate. The cost for the testing process is \$3,000 - \$4,000. Captain Curtis said it would be the same cost for police testing.

ACTION. Motion by Councilmember Pyfer seconded by Councilmember Monson to approve Res. 09-62 as presented. Motion carried 4-1 with Olsen opposing.

Consideration of a proposed ordinance amending and repealing sections of the Logan Municipal Code regarding Firearms – 09-61.

Councilmember Quayle proposed in Section A to replace the word gun with firearms. Delete Section B with the wording of sparrow guns and flippers. In Section 050 that the wording be changed in regards to the shooting range and areas further West of the City.

Mr. Housley stated the problem is to craft an ordinance so precise to include all areas.

ACTION. Motion by Councilmember Quayle seconded by Councilmember Monson to approve Res. 09-61 as amended. Motion carried unanimously.

PUBLIC HEARING: Budget Adjustment FY 2009-10 appropriating: \$5,000 Youth Alcohol and Drug Enforcement Task Force; \$76,321 for RAPZ population split money; \$70,000 for RAPZ Aquatics Center Boiler Replacement grant; \$10,000 for RAPZ Olsen Coner Park Landscaping grant; \$18,420 for RAPZ Deerpen Trail grant; \$85,700 for RAPZ 1800 South 1000 West Trail Construction grant; \$6,420 for RAPZ Batting Tunnel Artificial Turf grant; \$35,500 for RAPZ Willow Park Band Shell Pavilion grant; \$15,000 for RAPZ Aquatics Center Skid Proof Floors & Concrete Repairs grant; \$21,600 for RAPZ Majestic Mountain Meadows Park grant; \$30,000 for RAPZ 1700 South Park Construction Engineering grant; \$60,000 for RAPZ Northwest Park Phase II grant; \$10,500 for RAPZ Electrical Upgrade at the Golf Course Clubhouse grant – 09-60.

Chairman Swenson opened the meeting to a public hearing.

No comments were made.

Chairman Swenson closed the public hearing.

ACTION. Motion by Councilmember Pyfer seconded by Councilmember Olsen to approve Res. 09-60 as presented. Motion carried unanimously.

Consideration of a resolution in support of a Fair Redistricting Process – 09-59.

ACTION. Motion by Councilmember Monson seconded by Councilmember Olsen to approve Res. 09-59 as presented. Motion carried unanimously.

WORKSHOP ITEM:

Consideration of a proposed ordinance adopting Regulatory Business Licensing of Owners of Rental Dwellings – James Geier.

Community Development James Geier introduced the rental issue and also introduced Building Inspector Paul Taylor and Planner Glen Goins.

Mr. Geier feels this code is important because it addresses the importance of mixed use within Logan City. He stated the Community Development Department staff recommends licensing owners of rental properties to ensure the community at large and

the residents of rental dwellings that rental housing in the City of Logan is decent, safe and sanitary. It is not their intent to oversimplify the rental licensing issues currently under discussion, which encompasses a number of complexities. However, this preliminary step toward rental licensing will address fundamental concerns surrounding residential mixed uses relating rental properties to neighborhood, community, and international standards. The introduction of this code will impact needed direction in further development other elements such as inspection protocol, landlord/tenant education, and collaborative efforts with owner/non-owner occupied rental properties, single family residents, City officials and other stakeholders.

The operation of rental residential properties is a business enterprise that entails certain responsibilities, namely the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary: and free from unreasonable fears about safety of person and security of property.

Rental properties need to be managed in such a manner so as not to become a nuisance or an annoyance to neighborhoods. Wherein, their influence on the neighborhoods should not foster blight or create a disincentive to reinvestment in the community. The Logan General Plan speaks to neighborhood housing and the increase quandary, wherein, the single family residential base is eroding and infers that encroachment of offending users over a long period of time threatens the stability of mixed use residential neighborhoods.

Implementing this code will put us in line with the State statute provisions for rental licensing and this is what needs to be accomplished.

Mr. Geier suggested an annual license fee of \$50 for rental licensing with a provision for a reduction of 50% for the first year if the owner comes forward voluntarily in the first six months making the fee \$25.

He stated that inspections are key to this issue because safety is a top concern. He feels the code being proposed is favorable and feels it is a change for the better and provides the ability for inspections for health, safety and welfare of residents and citizens of Logan City.

Councilmember Monson asked about the Good Landlord Program?

Mr. Geier responded the Good Landlord Program is something they have not proposed at this time. He has found it difficult to incentivize the program and he believes we need to promote public education in establishing landlord licensing. There are some components from the program that can be used.

Councilmember Monson stated he has been contacted by landlords about policing their own.

Mr. Geier stated he has not been contacted regarding this request.

Councilmember Pyfer stated there is a board established but she doesn't think it's being used.

City Attorney Housley stated the board was created back in 1998 or 1999 to handle complaints from tenants about their landlord but they haven't been active over the years.

Chairman Swenson said the council received a statement from the Neighborhood Council supporting the landlord license concept.

Councilmember Pyfer asked what would be the downside to the landlord such as maybe the \$50 annual fee per rental unit and not having the rental unit up to code.

Mr. Housley clarified that is the code that was in place when they were legally established, not today's code. The license goes with the landlord not the rental unit. This ordinance doesn't add to the grandfathering requirements, they are already there. The way the ordinance is proposed, the person would be licensed and under that license it would cover the rental units.

Councilmember Monson asked how many additional people will need to be hired to complete the inspections of the units.

Mr. Geier responded he feels they can accomplish the inspections with the current staff. There are currently 9,000 rental units in Logan and they would look at this at a five year process and not a one year time period

Councilmember Olsen asked is there a response from the police or fire department in regards to the value of this proposal.

Mr. Geier responded a study hasn't been done.

Chairman Swenson asked for a response from police and fire at the next city council meeting.

Mayor Watts stated that recently there was an alteration made in an apartment complex that caused a gas leak and displaced several residents that had to be evacuated. Neither the City nor the gas company knew of the alterations and the City had to step in and make corrections. As Mayor, he is responsible for the safety and well being of the citizens of Logan. The purpose of this ordinance is not to beat up the landlord but to protect those renting these units and provide a safe environment and to make sure the codes are met.

Chairman Swenson announced there will be a one hour public hearing at the August 18, 2009 council meeting.

Mr. Geier will put additional information on the Logan City website. He feels there is a long term benefit for landlord licensing and we need to create dialogue with renters and landlords and remember the responsibility we all have.

Councilmember Monson asked Mr. Geier to find out if there are other City's of a comparable size of Logan that are doing what has been proposed and see if this is doable for Logan.

OTHER CONSIDERATIONS:

There being no further business to come before the Council, meeting adjourned at 7:36 p.m.

Teresa Harris, City Recorder