

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, February 16, 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: City Attorney Kymber Housley, Public Works Director Mark Nielsen and City Recorder Teresa Harris. Excused: Mayor Randy Watts.

**OPENING CEREMONY.** Vice Chairman Herm Olsen offered the opening prayer and led the audience in the pledge of allegiance.

Chairman Monson welcomed those present. There were approximately 22 citizens in the audience at the beginning of the meeting.

**Meeting Minutes.** Minutes of the Council meeting from February 2, 2010 were reviewed and approved with minor changes.

Chairman Monson excused Mayor Watts who is traveling out of town.

**Meeting Agenda.** The meeting agenda was approved. Chairman Monson announced at tonight's meeting there would be one public hearing regarding a proposed budget adjustment.

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

Citizen Gary Joy addressed the Council and thanked the City, Council and the Parks & Recreation Department for their effort in having the outdoor ice rink this winter season.

Citizen Trent Creager and Rick Early addressed the Council to introduce an invention to help with the inversion problem in Cache Valley. Mr. Creager said what it does is produce hydrogen from plain water and enables the vehicle to have the emissions reduced to a minimal amount. Because this has been created locally it has the potential to create jobs in Cache Valley.

Councilmember Swenson said the information provided was very interesting.

Chairman Monson commended Mr. Creager and Mr. Early for trying to find a solution to the inversion problem. He suggested they meet with Public Works Director Mark Nielsen to discuss using in a City vehicle.

Councilmember Quayle suggested they also meet with the Bear River Health Department and the Clean Air Committee.

Mr. Creager and Mr. Early explained this can be used on any vehicle new or old. The cost of the unit is approximately \$600.00 and installation would be approximately \$400.00. They currently have this installed in four vehicles.

Citizen and Logan City business owner Bill Peterson addressed the Council and talked about wastewater issues and how improvements can be made. He will email his detailed concerns to the City Council and Mayor Watts and asked for a response from that email to address his concerns and suggestions.

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

Nothing to report at this time.

#### **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, March 2, 2010.

#### **Consideration of a resolution in support of a Fair Districting Process - 10-08.**

Councilmember Olsen explained the original resolution was unanimously approved on August 4, 2009 by the Council that was in office at that time. Since then, two new councilmember's were elected and the proposed resolution needs to be updated with the name of Councilmember Holly H. Daines. Councilmember Dean W. Quayle already signed the first resolution.

**ACTION.** Motion by Councilmember Olsen, seconded by Councilmember Swenson to approve Res 10-08 as presented. Motion carried unanimously

#### **Joint City/County Council Meeting – March 30, 2010 – Jay Monson.**

Chairman Monson announced there will be a Joint City/County Council meeting on Tuesday, March 30, 2010 in the City Hall Conference Room located at 290 North 100 West. He proposed two items for discussion: Countywide Library System and Volunteer Center.

Councilmember Olsen indicated that he will be traveling out of State at this time and cannot attend

#### **Appeal from non-profit groups to preserve the Main Street Banner – Jay Monson.**

Chairman Monson explained a signed petition from several different non-profit organizations to voice their support of preserving the use of the Logan Main Street Banner. This group would like to see Logan City and all entities involved work cooperatively to find an appropriate solution to resolve safety issues and enable continued use of the banner.

Chairman Monson would like to discuss this further and work out some kind of agreement.

Councilmember Daines feels it would be nice to find some way to maintain the banner because of the community involvement it offers.

Councilmember Swenson indicated that Main Street is a UDOT road and we will need their support and permission to continue hanging the banner over Main Street.

Chairman Monson stated that he talked with UDOT and Logan City will not ask for an exception in regards to the banner. This issue will be discussed at a future Council meeting.

**Report on SR-30 (1400 West to Main Street) – Jay Monson.**

Chairman Monson said that he recently attended a preliminary meeting to discuss SR-30 (1400 West to Main Street) which is proposed to facilitate traffic through Cache Valley, especially east/west traffic. He announced that UDOT will conduct a public meeting on March 11, 2010 from 4:00 - 7:00 p.m. at Bridglerland Technology College. UDOT will present various alternatives and discuss whether State Road 30 needs to be realigned.

**ACTION ITEM.**

**PUBLIC HEARING - Budget Adjustment FY 2009-10 appropriating - \$900,000 for Storm Water projects; \$1,425,000 for the Electric Turbine project; \$120,000 for the Library remodeling project; \$150,000 for Information Technology storage and backup infrastructure – 10-07.**

Chairman Monson opened the meeting to a public hearing.

Chairman Monson closed the public hearing.

**ACTION.** Motion by Councilmember Olsen, seconded by Councilmember Daines to approve Res 10-07 as presented. Motion carried unanimously.

**WORKSHOP ITEM.**

**Budget Adjustment FY 2009-10 appropriating - \$826,745 for radio water meters; \$8,363 for fire department services – 10-10 – Tyson Griffin.**

City Treasurer Tyson Griffin explained the proposed budget adjustment.

Public Works Director Mark Nielsen stated the pay back on the radio meters will vary on how new or old the meters are that need to be replaced. Approximately 70% of the meters have been replaced with radio meters and this proposed budget adjustment will finish the remaining meters for everyone in Logan City. Currently there are two full time meter reader positions, seasonal positions have been eliminated.

Councilmember Swenson said it was her understanding that with the electric meters it's not necessary to drive around the streets but they can read the meters from one center source.

Mr. Nielsen responded that Logan City is working this direction and this is not in tonight's proposed cost. We will still need people to install meters and will need to

evaluate how many meter reading positions as needed. All meters will all be installed by the end of June 2010.

This will be an Action Item at the next Council meeting to be held on March 2, 2010.

### **Business License for Landlords – Jay Nielson and James Geier.**

Community Development Jay Nielson reviewed the recommendations from the Landlord Licensing Committee.

1. A Business License for Landlords is required.
2. Review the fees.
3. The Good Landlord Licensing Program will be part of those fees.
4. Police notification would be given to landlords where there was significant involvement by the police.
5. There will be a privately functioning committee that would take complaints and try and resolve the complaints internally.
6. The Council reconsiders and reviews the fees for winter parking and the winter parking ordinance.

Chairman Monson clarified that the landlord licensing is not part of the fees and there is an option if the person does not want to go through the Good Landlord Program.

Mr. Nielson stated this is correct and the Good Landlord Program is completely voluntary.

Mr. Nielson reviewed the proposed ordinance which is also available for the public to view on the Logan City website. This ordinance can be found in Chapter 5.17 of the Logan Municipal Code titled, *Regulatory Business Licensing for Landlords of Rental Dwellings*.

Mr. Nielson said the purpose of this ordinance accomplishes four things. First, it addresses public health, safety and welfare issues. Second, it ensures that rental dwellings are established legally. Third, it provides contact information to resolve issues in rental dwellings and fourth it also gives consistency across licensing requirements for all operations of businesses. The code itself has a license requirement and there are exceptions for licensing that are mainly when a rental dwelling is owner occupied. For example, if someone has a leave of absence from work, going on an LDS mission, away on a sabbatical, etc. The application requirements are prescribed and the licensing procedures are proposed in the ordinance. The licensing procedures are largely centered around eligibility requirements to obtain a license. Landlords will be licensed when all of their units qualify and a screening of applicants will be done. If they are located in zoning districts that are consist with the occupancy of their units then they will be licensed. If they are not consistent, they will be required to apply for legally non conforming status or grand fathering. He proposed that the fees be collected by Logan City and the necessary education components be hired or completed in-house. Logan City would manage the Good Landlord Program. Inspections will be operated on a legitimate and recorded complaint basis. Any person, including Logan City employees can initiate a complaint.

Councilmember Daines asked about the complaint committee and if they will address the complaints first before an inspection is completed?

Mr. Nielson responded when a complaint is received it will go to the committee and after a period of time, if not resolved it would go to an inspection.

Councilmember Daines suggested this be addressed in writing and the procedure explained through the committee before it goes to an inspection.

Councilmember Swenson said she would prefer not to go this direction and does not want the program to be stymied by a committee that could potentially become non-functional.

Mr. Nielson said there are situations that would require immediate action.

Chairman Monson said there has been a functioning committee for several years. He said the committee feels this is a good option for people who are in this business and have a committee that will review complaints first.

City Attorney Kymber Housley suggested a compromise would be to have a written policy, not part of the ordinance, but a written procedure on how to handle complaints and something that can be amended or changed as the committee develops.

Councilmember Daines added that could also include a police notification component so landlords are made aware of problems at their units and the contact information they will have so the police can make notification. She would feel more comfortable if the procedures were in writing so everyone is clear on what should be done. She is fine with having a policy outside of the ordinance.

Councilmember Olsen and Swenson concurred.

Mr. Blythe Ahlstrom, Chairman of the Landlord Licensing Committee stated that early in the ordinance and one of the reasons for doing the business licensing for landlords, is to make people aware that they have a formal process to obtain information or receive information automatically. There would be broad distribution of information and it would alert people to the existence of a committee. He said regarding the nature of the committee it's important to keep it private and not involve the City directly in the review process to solve complaints and not go as far as the official process. He feels there should be a description of the committee and it should be given out to people at the time of licensing.

Chairman Monson also suggested as people come into City Hall and sign up for their utility services that information be given out at that time to renters.

Mr. Ahlstrom said regarding grandfathering, there needs to be some kind of process because the grandfathering issue is complex. Units get transferred from person to person and the committee discussed this issue along with titles of property. The committee feels there should be a reasonable and systematic process of grandfathering that would be understandable and allow people to appeal decisions.

Councilmember Olsen said there is an ongoing grandfathering process already in place where an application can be made.

Mr. Nielson added the current grandfathering process works well, is well established and has been in place a long time. It typically takes two weeks to 30 days to clear a grandfathering application.

Mr. Ahlstrom stated that he came away from the discussions with the committee with a greater respect for landlords and renters. He feels this will improve things and make information more available.

Mr. Nielson announced the effective proposed date to implement business licensing for landlords is July 1, 2010. He clarified that each unit has to be listed separately because they all have a unique address. The landlord will also be sent an annual bill reminding them to renew their license.

Neighborhood Improvement Director James Geier distributed a Proposed Fee Structure for Regulatory Business Licensing of Landlords of Rental Dwellings including a voluntary Good Landlord Program.

- Initial Application is \$50.00 participatory (Good Landlord training) & Non-participatory.
- Second Annual Renewal of \$10.00 (Good Landlord Certified) \$50.00 Non participatory.
- Third Annual Renewal of \$50.00 participatory (Good Landlord refresher) & Non-participatory
- Fourth Renewal of \$10.00 (Good Landlord Certified) \$50.00 Non participatory.

Keynotes:

- Differs from general business licensing in that it licenses person(s) operation rental(s) as opposed to licensing location/entity.
- Incentivizes educational component for “Good Landlord Program”; with corresponding licensing fee reduction of \$80.00 over four year period (two year fee cycle \$60.00 participatory and \$100.00 non-participatory).
- License fees are least expensive by comparison to other business licensing.
- Annual renewals maintain creditable information for service of notice.

Mr. Neilson said other cities he has checked with are charging significantly higher fees for both education and licensing. Logan City is among the lowest with these proposed fees.

Mr. Housley stated the entity or owner who owns the property would have the license and the Good Landlord certification would be completed by the agent and the entity or owner would not need certification.

This will be an Action Item with a public hearing on Tuesday, March 2, 2010.

**Parking Permit Fee – Jay Nielson.**

Mr. Nielson presented a proposed Parking Fee for parallel overnight parking on city streets during winter months to the Council. He and his staff are recommending a parking fee reduction from the current annual cost of \$200 to an annual cost of \$50.00 per eligible permit. This would be effective beginning November 2010 and permits would be based on eligibility. He feels there will be an increase in permits because of the reduced cost.

This will be an Action Item with a public hearing on Tuesday, March 2, 2010.

**OTHER CONSIDERATIONS.**

Councilmember Olsen stated with the ongoing issues of air quality he is still concerned about Logan City's current idling ordinance. He asked Utah State University for a recommendation on this issue and he will report back to the Council with any new information. He asked that citizens to be observant of the idling ordinance that is in place and do what they can to preserve our air quality.

Councilmember Daines asked Jay Nielson for a proposed draft policy of the recommendations for landlord licensing.

**ADJOURN.**

There being no further business to come before the Council, meeting adjourned at 6:30 p.m.

Teresa Harris, City Recorder