

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 2, 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: Senior City Attorney Lee Edwards, Public Works Director Mark Nielsen and City Recorder Teresa Harris. Excused: Mayor Randy Watts and City Attorney Kymber Housley

OPENING CEREMONY.

Senior Attorney Lee Edwards offered the opening prayer and led the audience in the pledge of allegiance.

Chairman Monson welcomed a local scout group who were in the audience.

Chairman Monson welcomed those present. There were approximately 86 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from February 16, 2010 were reviewed and approved.

Chairman Monson excused Mayor Watts and Kymber Housley who are attending meetings in Washington D.C. He announced that Public Works Director Mark Nielsen is the Acting Mayor in the absence of Mayor Watts and Senior Attorney Lee Edwards attended tonight's meeting in City Attorney Kymber Housley's absence.

Meeting Agenda. The meeting agenda was approved. Chairman Monson announced at tonight's meeting there would be three public hearings regarding a proposed budget adjustment, Business License for Landlords and Parking Permit Fee.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

No comments from the audience for the Mayor or City Council.

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 16, 2010.

Discussion: Envision Cache Valley and Logan City's involvement and plans – Jay Monson.

Chairman Monson asked the Council how they feel about moving forward with the Envision Cache Valley proposal.

Tom Jensen, Co-Chair of the Envision Cache Valley Committee addressed the Council and stated it is now in the Council's hands to implement the proposed plan. He feels that Logan is in a leadership position for the planning and has the expertise that will be needed to move forward. Envision Utah is the facilitator and the report indicates that if we continue in the same pattern of growth, the population of Cache Valley will double in the next 30 years and we need to make plans now of where the population will go. Envision Cache Valley is a citizen's based group that wants to strengthen town centers throughout Cache Valley and keep the cities as cities and the country as country.

Councilmember Swenson said she appreciated serving on the committee and feels it would be good for the Council to ratify the Envision Cache Valley Program and even create a resolution of support at a future Council meeting.

Councilmember Olsen said if we do nothing we will be headed for problems when the inevitable growth hits Cache Valley. The Envision Cache Valley Program gives us direction on where to go. He asked what we can actively do to input these ideas.

Community Development Director Jay Nielsen responded that we are currently working on this with the County and we have a working relationship to implement the principles that other communities can use as a model.

Councilmember Daines suggested that Envision Cache Valley should be an agenda item at the upcoming joint City/County Council meeting on March 30, 2010.

Reminder: Joint City/County Council Meeting on Tuesday, 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 beginning at 5:30 p.m. He proposed items for discussion: Countywide Library System, Volunteer Center and Envision Cache Valley. Councilmember Olsen stated that he cannot attend the joint meeting.

Chairman Monson suggested that Logan City consider having a prescription drop box similar to what North Logan is now doing.

Police Captain Jeff Curtis stated the police department is planning to have a prescription drop box at the police department. They will empty the drop box each day and will incinerate the drugs after they have been collected.

ACTION ITEMS.

PUBLIC HEARING - Budget Adjustment FY 2009-10 appropriating - \$826,745 for radio water meters; \$8,363 for fire department services – 10-10

Chairman Monson opened the meeting to a public hearing.

No comments were made.

Chairman Monson closed the public hearing.

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

Consideration of a proposed amendment to Title 2 of the Logan Municipal Code filling the Council Seats, Section 2.44.040 – 10-13.

Senior Attorney Lee Edwards explained this is a formality as a result of the elections and the change in council members Holly H. Daines and Dean W. Quayle being added.

ACTION. Motion by Councilmember Swenson, seconded by Councilmember Olsen to approve Res. 10-13 as presented. Motion carried unanimously.

PUBLIC HEARING – Consideration of a proposed ordinance requiring business licensing of owners of rental dwellings adding Chapter 5.17 – 10-15.

Chairman Monson gave a history of the proposed ordinance. He stated that among the 20 larger cities within Utah, Logan City is the only one at this time does not require a business license for rental properties. He referred to a recent letter to the editor in the Herald Journal stating that the landlord licensing committee was a “stacked committee” and he said this is not correct. The committee consists of 10 people, 8 citizens of Logan which include a USU student representative, two real estate persons, two council members and two Logan City employees.

Chairman Monson explained the procedures for the public hearing and opened the meeting to a public hearing.

Peter Dettore – Mr. Dettore lives in Logan and he is against the proposed landlord licensing. He feels that Logan City is moving to the left when it comes to some policies and he feels that his property rights are being taken away. He said that if someone is a good landlord it’s a moral and ethical issue for the landlord to do the right thing and if they aren’t then people need to stop renting from bad landlords.

Spencer Lee – Mr. Lee is the Student Body Executive Vice-President at Utah State and also served on the landlord licensing committee. He says there were several landlords on the committee and both sides did move to a resolution. He feels the committee has a good proposal on what should be done. There is not a consensus from USU students on this issue. He has conducted student opinion polls and a majority of the students who took the poll agree with licensing and want the protection of a license. He feels the committee met

in the middle and he asked that the Council approve licensing to further protect USU students.

Kent Dunkley – Mr. Dunkley lives in Providence, owns property in Logan and he is opposed to landlord licensing. He feels it is not landlord licensing but rather grandfathering. He feels that in voting for landlord licensing the Council is voting for grandfathering. He spoke about a letter of violation he received from Logan City regarding a rental property he owns in Logan and read the letter to the Council.

Alan Hinckley – Mr. Hinckley lives in Logan and served on the landlord licensing committee. He represents citizens in the Woodruff neighborhood and he is in favor of the proposed licensing. He feels this will be a benefit to the tenants and ultimately to the landlords and is necessary for our neighborhoods.

Mike Gittens – Mr. Gittens lives in Logan and he feels that everything the Council is trying to accomplish has already been addressed in the Utah Fit Premises Act. He also referred to information for landlords and tenants that he received from Logan City that is already in place. He doesn't see any merit in approving the licensing and he feels that in the future the costs will increase.

Chad Tilley – Mr. Tilley is from Smithfield City. He is concerned about grandfathering and has been denied for grandfathering issues in the past. He also stated there is already a procedure in place for tenants where they can take any complaints. He said that if this proposed ordinance is passed, the consequences won't be felt for another five to ten years. He feels the ordinance is unfair and unreasonable and would encourage the Council not to approve.

Bruce Rigby – Mr. Rigby lives in Nibley and owns property in Logan. He served on the landlord licensing committee and felt it was a cooperative system. One part of the ordinance he would like to address and asked that it be further considered is the grandfathering process. He asked the Council to review grandfathering more thoroughly. He said the City's grandfathering board is very intimidating and the burden of proof is on the landlord to prove through old records on what was done 30-40 years ago and this is a very difficult process. He feels we need to have a softer, more cooperative approach and have a board that is established to look at grandfathering issues.

Chairman Monson said there is a volunteer committee to address issues but not specifically grandfathering.

Councilmember Daines said as part of the grandfathering process there is a specific citizens committee called Logan City's Board of Adjustment, which is a citizens committee and they do hear appeals. She stated that last year there were five cases appealed. There were 38 applications received in 2009 and of those, 32 grandfathering applications were approved. She feels the approved number show the applications are reasonably reviewed and there is a specific appeals already set up that people can use.

Larry Soule – Mr. Soule lives in Millville and has property in Logan. He says that he keeps his properties immaculate and feels the Council should consider licensing tenants because they are the ones that sometimes do not take care of rentals. He asked if the City

is ready to deal with the liability they could be under if something were to happen after an inspection is done and something is missed.

Terry Oliver – Mr. Oliver lives in Logan and has property in Logan. He is against the proposed ordinance. He recommended that the Council not vote on this ordinance tonight until they better understand grandfathering and vote at a later time. He feels that landlords should be given the right to know if a complaint is made against them and to have the opportunity to address the complaint with the tenant or with Logan City.

Community Development Director Jay Nielson clarified that the fee structure is part of the citywide fee schedule and is not included in the ordinance. He stated the proposed fee is \$50 the first year and then reduced to \$10 the next year if the person goes through the Good Landlord Program. The year after that it is \$50 again and then \$10 the year after that and is per landlord and not per unit.

Rick Rose – Mr. Rose lives in Smithfield and has property in Logan. He talked about respect and feels he does not receive respect from Logan City staff and he is against landlord licensing. He said it is difficult to obtain a business license in Logan, especially if you own property. He feels that landlord licensing is not needed and the rental market is in better shape than those that already have landlord licensing. There is already an ordinance on the books and he would appreciate the Council taking care of the laws that are already in place.

Jon-David Jorgensen – Mr. Jorgensen is a student at USU and lives in Logan. He is against landlord licensing and doesn't feel that licensing solves anything. The laws and methods are already in place to go through the process. He feels this proposed ordinance will hurt renters.

Tom Macari – Mr. Macari lives in Logan. He is a landlord, home owner and has a City license to do home repairs. His biggest business is people who own properties and rent to tenants. He said the landlords will have problems because there isn't a history with drawings, etc of several older homes in Logan. He feels that licensing should be a partnership and feels this is very one sided and asked if a financial provision has been made to homeowners to improve their property. He said there are no provisions in Logan City and the costs are on the backs of the citizens.

Brent Wadsworth – Mr. Wadsworth lives in Smithfield and has rentals in Logan. He is an attorney and has represented tenants and landlords. He knows about grandfathering and feels it reduces the number of rental units in Logan. He said that he cannot produce the plans for units that he's owned for over 15 years and were built in the 1940's. He just went through an appeals process and was denied because he could not show the conversion of the property that was done in the 1930's. Logan City did not have permits at that time and he could not show proof. The grandfathering process cost him \$14,000.

John Mulholland – Mr. Mulholland lives in Smithfield. He's had problems with landlords in the past and he moved from those locations because they were not good landlords. He proposed there should be an optional situation and have a certified landlord system and gives renters the choice if they want to have a certified landlord and give the landlord an

option if they want to be certified. He feels this issue should not be forced on people and should be done by gentle persuasion.

Brady Pierce – Mr. Pierce lives in North Logan and owns properties in Logan. He references the current landlord ordinance in all of his leases and he feels this is adequate to address the concerns of tenants. He feels that nothing should be changed and the current ordinance directs people where they can go for help. He does not support the proposed landlord licensing.

Dixie Crook – Ms. Crook lives in the Adams neighborhood area in Logan and owns two rentals. She said that some rentals have been taken care of and some have not in the City and she has put a lot of her own money into making her rentals nice. She is not concerned that any of her units would not pass an inspection. She does not feel that landlord licensing is the answer.

Chairman Monson closed the public hearing at this time and said he appreciates the comments that have been made. He stated that grandfathering is an issue and he feels it is a very complex issue and he is committed to learning more. He stated that every ordinance, including the proposed landlord licensing is open for change and discussion in the future.

Councilmember Olsen said that he feels training for landlords and even tenants will be helpful. He is not opposed to looking at the grandfathering process and if it can be improved this is something the Council and Logan City should review. He feels that 95% of landlords do a great job and some tenants are not good tenants. He feels that running and owning apartments is a business and they should be licensed.

Councilmember Quayle said that he spent time with City staff learning more about grandfathering and he knows there are issues with this process and being able to show records from the past. He is concerned about the costs of grandfathering and feels this is an open issue and should be reviewed.

Mr. Edwards reminded the Council to list an effective date of the proposed ordinance.

Chairman Monson responded the effective date will be July 1, 2010.

Councilmember Swenson said she feels strongly that landlord licensing is something we need to have and with all of the time she has served on the Council, she has received the most public comment on this issue. She feels this is a fair process and it protects the rights of the citizens and tenants of Logan.

Mr. Nielson responded to the issue of grandfathering fees and said the process is a \$40 application fee and the Utah State Code requires that the property owner provide proof. The application fee for the appeal is \$212.50 and the costs are for advertising and notification to adjacent properties. He does know what the earlier costs of \$14,000 mentioned by Mr. Wadsworth would be regarding.

ACTION. Motion by Councilmember Swenson, seconded by Councilmember Daines to adopt Ord. 10-15 with an effective date of July 1, 2010 as presented. Motion carried unanimously.

PUBLIC HEARING – Consideration of a resolution approving a reduction of the Parking Permit Fee – 10-16.

Chairman Monson opened the meeting to a public hearing.

Debra Plagmann – Ms. Plagmann lives in Petersboro and has properties in Logan. Her park strip was removed and it was determined by Logan City she has five legal parking places and a legal limit of 12 tenants that can rent her apartments. She was only able to purchase four parking permits for five units and there is no other parking.

Terry Oliver – Mr. Oliver lives in Logan and has properties in Logan. He stated the proposed fee came about because the park strips were removed. He feels that he is being demonized by Logan City because he doesn't have parking for his tenants. He feels there should not be a fee at all because it's a public street. The fee is only assessed to multiple family landlords and a single family or owner occupied unit does not require a fee and he feels this is discrimination.

Mr. Nielson said that every case is reviewed separately. Regarding Ms. Plagmann's situation, the City takes the number of allowed occupants and subtracts the number that can be legally placed on private property and the remainder is what the landlord is allowed to purchase. He encouraged Ms. Plagmann to contact the Community Development Department and review her parking situation.

Chairman Monson stated there should be room for exceptions when it comes to parking because there are various complex situations with different rental units.

Mr. Nielson said that determining the criterion for exceptions is difficult and the alternative is that rather than park in the park strip they can park in the street for a nominal fee.

Bruce Rigby – Mr. Rigby lives in Nibley. He said the alternative should be to park in the street at no cost. He has paid \$4,000 over the last two years for his tenants to park in the street. He does not see the need to charge something to park in the street when the only parking option has been taken away. He said he has always been treated fairly by the City staff but he doesn't agree with the parking fees.

Tom Macari – Mr. Macari lives in Logan. He stated that his driveway entrance was removed and he installed additional parking on another side of his property. He feels that people should not have to pay a fee.

Chairman Monson closed the public hearing.

ACTION. Motion by Councilmember Daines, seconded by Councilmember Swenson to approve Res. 10-16 as presented. Motion carried unanimously.

WORKSHOP ITEM.

Budget Adjustment FY 2009-10 appropriating - \$103,000 for Western Regional Sewer Pressure Project – 10-14 – Richard Anderson.

Finance Director Richard Anderson said the \$103,000 is a restricted impact fee and can only be used for this capital project. The funding will start the design and bidding process.

Public Works Director Mark Nielsen explained this project is for the Southwest regional lift station at 600 South 1900 West and will create a new forced main for discharge. The current line is undersized and flows are at capacity. Two new discharge pipes will go from the lift station directly to the 600 North lagoons and that will eliminate the current flow restriction.

This will be an Action Item at the next Council meeting to be held on March 16, 2010.

Community Development Block Grant (CDBG) 2010-11 Annual Action Plan Draft Review – Gay Jamieson.

Community Development Block Grant Coordinator Gay Jamieson addressed the Council and explained the process of reviewing and approving the CDBG applications. She stated the steering committee had all of the application delivered to them and a matrix for ranking the different proposals.

Councilmember Swenson feels the allocation of funding should be one time money for one time uses. There are operational requests and grants in the suggested allocation and she feels the same organizations will come back year after year and ask for operational money. She feels the Council should not allocate money for operational uses. The three organizations that have requested operational money are the English Language Center, CAPSA and the Multi Cultural Center.

Councilmember Daines said in the past we have done specific projects for CAPSA under the capital improvement and we don't have those projects every year and it does meet the guidelines. She feels that as long as the organizations are using the funds and raising other money to match the allocation they should be considered.

Councilmember Olsen said he is not locked into the criteria of one time money allocation.

Ms. Jamieson said the park strip reclamation last year was for single family and this year it is for multi family. These are not the final figures and the proposed resolution suggests what allocations can be changed.

Councilmember Daines said any additional funding would go to the Cache Employment and Training Center and a certain amount is designated. If the amount goes over then it would go back into park strip reclamation.

Ms. Jamieson said the final allocation will be known in March or April 2011.

Councilmember Swenson says she supports the Cache Food Pantry but would not have given \$100,000 to them and allocated that large of an amount to one entity.

Councilmember Olsen said he hopes there could be funding for the Cache Employment and Training Center, CAPSA, English Language Center and the Multi Cultural Center.

Ms. Jamieson said the Council will need to address the contingency in the resolution and a decision will need to be made at the March 16, 2010 council meeting which will be the actual vote on the allocation and who will receive funding. This will also be a public hearing.

Councilmember Quayle said he feels the CDBG committee has done an excellent job in allocating the money as it stands now.

This will be an Action Item at the next Council meeting to be held on March 16, 2010.

Consideration of a proposed ordinance vacating portions of the public right-of-way at the intersection of 880 North and 400 West (Ashbury Court Phase 3) – 10-11 – Russ Holley.

Community Development Planner Russ Holley addressed the Council and said the proponent is requesting a 53 lot single family subdivision and requesting a vacation of approximately 60 x 120 feet of public right-of-way. The area is 9 acres directly West of 400 West and south of 1000 North. The Logan Planning Commission conditionally approved the 53 lot subdivision and the roadway system is a private road. The area is intended to be a road access way and the proponent is asking that it become private.

Councilmember Swenson asked why the proponent is asking for the right-of-way.

Mr. Holley responded the proponent is asking for a private, 30 foot cross section of roadway.

Mr. Nielson said this proposed project is currently allowed in our code. The new code and the new requirements that public works are generating for specifications will require that private roads be built to public standards and we don't have that in our current code.

Councilmember Swenson asked why we would allow this to happen and if the Council doesn't grant the right-of-way there would be no need for a private road.

Mr. Holley said the proponent can still continue the sections of road that loop around as a private road. The difference would be the entrance way would be a public roadway.

Mr. Nielson said if the proponent moves forward with this plan, develops to the standards and the homeowner comes back and asks the City to take over the road, our response to them would be they need to improve the road to a City standard and we would consider it. The new road would be 53 feet wide and the road section would be the narrowest other than a loop of cul-de-sac. It will be Logan City infrastructure under the road.

Mr. Holley said the North/South road would connect the two phases and create a North. South grid connection. East/West becomes a little cumbersome because of the railroad and limited crossing. The neighborhood garbage collection would be done by Logan City. It would include curb and gutter on both sides and a sidewalk on one side. The only open space is the storm water detention area. This is a standard subdivision and does not require a common open space; each lot will have a certain amount of open space.

Mr. Mark Nielsen said there is a proposed new park on 400 West just South of this area that the Parks Department will build in the future. It will be just North of 600 North.

Mr. Jay Nielson said our current code does not require open space in a standard subdivision. He is currently working on the new code and will complete it very soon.

This will be an Action Item at the next Council meeting to be held on March 16, 2010.

OTHER CONSIDERATIONS.

Nothing to report at this time.

ADJOURN.

There being no further business to come before the Council, meeting adjourned at 8:00 p.m.

Teresa Harris, City Recorder