

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, March 1, 2016 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

Councilmembers present at the beginning of the meeting: Chairman Herm Olsen, Vice Chairman Holly Daines, Councilmember Tom Jensen, Councilmember Jeannie F. Simmonds and Councilmember S. Eugene Needham. Administration present: Mayor H. Craig Petersen, Finance Director Richard Anderson, City Attorney Kymber Housley and City Recorder Teresa Harris.

Chairman Olsen welcomed those present. There were approximately 12 citizens in the audience at the beginning of the meeting.

OPENING CEREMONY:

Logan resident Marilyn Griffin gave the opening thought/prayer and led the audience in the pledge of allegiance.

Meeting Minutes. Minutes of the Council meeting from February 16, 2016 were reviewed and approved with minor changes.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve the February 16, 2016 minutes and approve tonight's agenda.** Motion carried unanimously.

Meeting Agenda. Chairman Olsen announced there would be two public hearings at tonight's Council meeting.

Meeting Schedule. Chairman Olsen 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 15, 2016.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Michael Anthony addressed the Council and distributed copies of his response to 10 questions the Council were presented with at the February 16, 2016 meeting regarding Neighborhood Renewal.

There were no further comments or questions for the Mayor or Council.

MAYOR/STAFF REPORTS:

Updates on Projects/Issues – Mayor Petersen

Mayor Petersen updated the Council on the following:

1. There are currently no construction projects to report.
2. This month's Sesquicentennial Celebration Event is a historical photo display at the Library.
3. The Rural Recycle Analysis Pilot Project will be once a month instead of an every two week pick-up.
4. The City health insurance transition is going smoothly.
5. The new City website update is going well. Departments transition should be completed by March 7 and go live to the public on March 15.
6. The Draxler Transportation Bill is awaiting a Senate vote.
7. City representatives have met with both respondents to the City Block Request for Proposal.
8. RAPZ Tax requests are due this Friday.
9. Mayor Petersen distributed copies of the Community Bridge Initiative report to the Council.
10. The budget outlook is promising and Mayor Petersen will be meeting with individual departments during the month of March.

Vice Chairman Daines asked about a potential bill regarding online sales tax.

Finance Director Richard Anderson responded that it's important that we respond and let our State Representatives know that this issue is very important to us. Taxes are the largest source of revenue so whenever there is the potential of a large portion of that being siphoned off that should be a concern to all of us. We also need to let our representatives know that the allocation formula for Utah is also a concern and is something we need to make progress on now. This issue is controlled by the Federal Government and the States are doing as much as they can but is something we need to protect. He encouraged the Council to contact our representatives and voice their concern.

Board Appointments (Logan River Golf Advisory) – Mayor Petersen

Mayor Petersen asked for ratification of Kevin Hansen and Leslee Olsen to serve on the Logan River Golf Advisory Board which is a three year term.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve ratification of Kevin Hansen and Leslee Olsen** as presented. Motion carried unanimously.

Code Enforcement – Mayor Craig Petersen

Mayor Petersen reported on the number of Property Maintenance versus Occupancy Violations from 2012 to 2015.

Property Maintenance Violations which consist of weeds, abandoned vehicles, and snow removal - There were 150-245 violations over the past five years.

Occupancy Violations – There were 25-35 complaints over the past five years.

Unsubstantiated Occupancy Violations – There were 2-8 complaints that were investigated but were found to be in compliance.

Mayor Petersen also stated that a comparison was done with six other cities (Brigham, Cedar, Murray, Ogden, Provo and West Valley) for the following information:

Branch for Code Enforcement
Proactive or Complaint Based
Number of Staff and Function
Approximate Cases in 2015
Foremost Violations
Fine Structure
Rental Licensing
Good Landlord Program
Landlord License Fees

Mayor Petersen also reviewed the Logan Administrative Enforcement Process when handling a typical complaint.

Chairman Olsen said there is neighborhood frustration because they file a complaint and nothing is done. He feels we should encourage people to report violations because they need to be proactive in helping solve problems in their own neighborhoods. He feels as the community becomes more aware that we have ordinance enforcement in place and those complaints will be addressed as timely as they can, there will be increased enthusiasm for people to report violations and the process will work as intended.

Vice Chairman Daines feels we need to be more proactive with code enforcement and not wait for complaints to come in.

Mayor Petersen said we can still have a system that relies primarily on complaints but we can make it easier for people to initiate those complaints.

Vice Chairman Daines suggested that a staff member periodically drive through different neighborhoods and see what code violations are out there.

Councilmember Simmonds feels that doing that would take more people than just one person going out.

Community Development Director Mike DeSimone said his department can be more proactive with different code violations such as weed control and snow removal. Interns can walk the core neighborhoods with door hanger reminders. We want compliance and to make people aware of what the codes are in the City. One thing to remember is we are a college town so we get a lot of rotation of people moving in and out and things such as occupancy vary from year to year. He feels the City is good to respond to complaints and with the new website there will be a location where people can file a complaint about various things.

James Geier, Neighborhood Improvement Officer stated it has been a decade since he has been with code enforcement. He said that occupancy is by far the hardest to enforce because it's hard to confirm there is a violation when a complaint is made. He feels the City is in good shape in terms of the process of handling complaints. He feels the criminal process is the wrong way to go and should only be done in extreme circumstances.

Councilmember Jensen asked about the process if someone wants to make a complaint, can they be anonymous.

Mr. Geier responded that most complaints come from neighborhood advocates. He generally likes to have a contact name but if someone wants to remain anonymous they certainly accept those complaints and they go through the same process.

City Attorney Kymber Housley added that we do require the complainant to give their name but their name is not shared with the person we are enforcing. The only time their name is shared is if they are going to be a witness in an administrative hearing.

Councilmember Simmonds said in our community we have several condemned properties and they are just sitting there. She asked what is the process with these properties and when are we going to do something.

Mr. DeSimone said regarding condemned properties, the City is working with the landowner to get permits to make repairs or do abatement work. In some cases the ownership on these properties is not clear. The question is once we get to the point that the City says either the owner or the City is going to tear down the structure, who pays for it and do we want to force the issue of tearing down a structure?

Vice Chairman Daines asked is there any way to speed up the process and does it really take that long legally, to go through all of the steps to tear down a condemned structure.

Mr. Housley said regarding the issue of who pays for tearing it down. In the past the City has torn down a structure, a lien was placed on the property and we did collect. It's not that we couldn't go faster but, we try and get compliance first and work with the property owner.

Mr. DeSimone said on some of these homes, all the property owner has to do is make some repairs and make some kind of progress every six months to keep their permit valid. If their desire is to drag out the process, they can do this legally which is based on the International Building Code.

Councilmember Simmonds said one of the homes she is referring to is vacant and there has been no progress and the home is just sitting. She feels if we can move faster to take care of these homes it would be helpful.

Mr. DeSimone will send the Council a status list of condemned homes and where they are located.

Vice Chairman Daines said she would be interested to know what the Salt Lake City ordinance states regarding vacant residential and commercial properties.

Mr. Housley said it's not always as easy as tearing down a building, putting a lien on the property and getting paid. A lot of the properties we are dealing with now have IRS tax liens on them which make it very difficult and he doesn't want to give the impression that we will always get paid because of liens.

Councilmember Jensen said it seems to him there are two different types of violations. One is more than three unrelated persons and the other is illegal conversions which should also be measured.

Mr. DeSimone said illegal conversions need to be reported and they can be investigated but there aren't as many being done now as have been done in the past.

COUNCIL BUSINESS:

Neighborhood Renewal – Councilmember Tom Jensen

Councilmember Tom Jensen addressed the Council and presented a list of proposed names for the Neighborhood Renewal Committee. Once the committee names are confirmed he would like to meet once a month.

Tom Jensen and Jeannie Simmonds – Logan Municipal Council
Mike DeSimone – Community Development Director, City of Logan
Mayor Craig Petersen
Marilyn Griffin – Adams Neighborhood
Blake Parker - Realtor
Kim Datwyler - Neighborhood Nonprofit

Chairman Olsen suggested adding someone from the Wilson and Ellis Neighborhood.

Vice Chairman Daines suggested adding someone from the Hillcrest Neighborhood; she will provide names to Councilmember Jensen.

ACTION ITEMS:

PUBLIC HEARING - Budget Adjustment FY 2015-2016 appropriating: \$60,000 to increase the budget for pro shop sales and cost of goods sold at the Logan River Golf Course; \$24,000 for the reimbursement to the Parks & Recreation budget for expenses incurred for maintenance of the Ice Rink – Resolution 16-08

At the February 16, 2016 Council meeting, Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.
Chairman Olsen opened the meeting to a public hearing.

There were no comments and Chairman Olsen closed the public hearing

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve Resolution 16-08** as presented. Motion carried unanimously.

WORKSHOP ITEMS:

(Continued to March 15, 2016) – Consideration of a proposed resolution to approve the Hillcrest Neighborhood Plan

(Continued to March 15, 2016) – Consideration of a proposed ordinance to amend the Future Land Use Plan Map (FLUP) for those areas identified in the Hillcrest Neighborhood Plan as suitable for map amendment

(Continued to March 15, 2016) – Consideration of a proposed rezone of areas identified in the Hillcrest Neighborhood Plan as suitable for rezone

Consideration of a proposed resolution approving the Annual Municipal Wastewater Self-Assessment Report – Resolution 16-09 – Mark Nielsen, Public Works Director

Public Works Director Mark Nielsen addressed the Council regarding the proposed resolution. He referred to the report which is a requirement from the State of Utah and the City completes a Municipal Wastewater Self-Assessment Report each year. The purpose is to inform the Water Quality Board that the Logan Municipal Council reviewed the report for 2015 and the City has taken all appropriate actions necessary to maintain effluent requirements contained in the UPDES Permit.

The Council received a copy of the report and had no further questions at this time.

The proposed resolution will be an action item at the March 15, 2016 Council meeting.

Consideration of a proposed Code Amendment. Logan City requests to amend the Land Development Code Chapters 17.12, 17.15 & 17.62 to modify how density is calculated in the Campus Residential (CR) Zone. The change would provide an alternative process, enabling projects to utilize a density calculation based on an occupant per acre standard in addition to the traditional unit per acre standard – Ordinance 16-09 - Mike DeSimone, Community Development Director

Community Development Director Mike DeSimone addressed the Council regarding the proposed code amendment. He explained that this code amendment was work shopped at the February 25, 2016 Planning Commission and will go back to the Planning Commission on March 10, 2016 for approval. It will be work shopped tonight and will then go to the Council as an action item and public hearing on March 15, 2016. The proposed amendment is to modify how density is calculated in the Campus Residential Zone.

The proposed changes are the following:

Chapter 17.12.110 – Campus Residential (CR)

- Campus Residential may develop at a maximum density of 40 dwelling units per acre **or may choose to develop at a maximum density of 240 occupants per acre with a Conditional Use Permit.**
- **Residential projects choosing to develop based on an occupant per acre standard rather than the dwelling unit per acre standard shall:**
 - **Obtain a Conditional Use Permit;**
 - **Delineate the occupancy allocation per unit on the proposed development plan, including the submittal and approval of a floor plan during the CUP process;**
 - **Meet a minimum size of 70 square feet per single occupant bedroom and a minimum size of 110 square feet per double occupant bedroom;**
 - **Comply with Building Code requirements for habitable areas and minimum room sizes;**
 - **Comply with all other Land Development Code requirements.**

Chapter 17.15.010 – Development Standards Purposes

- Density standards are expressed in dwelling units per acre and establish the maximum number of units allowed in each specific zone **unless you are developing in the Campus Residential (CR) which provides for an alternative density based standard using the calculation of occupancy per acre through the CUP process.**

Chapter 17.15.120 – Campus Residential (CR) Development Standards

- Residential Density: Units/Acre (max) 40, **Occupants/Acre (max) w/CUP 240.**

Chapter 17.62 – Definitions

- **In the Campus Residential zone, density may also be expressed as occupants per acre through an alternative review process (CUP) and in compliance with minimum standards in Section 17.12.110.**

Councilmember Simmonds asked within the context of this amendment the project will also have to comply with certain minimum standards/living areas.

Mr. DeSimone responded that is correct.

Vice Chairman Daines said she likes the conditions and asked are there any other requirements to obtain a conditional use permit besides the four that have been outlined.

Mr. DeSimone responded they would need to meet the four conditions but under the conditional use process there is a longer list of things such as access, parking, compatibility and this would apply to all conditional use permits.

Mayor Petersen asked if the Brandley project decides to apply for a conditional use permit what is the process and timeline.

Mr. DeSimone responded it's a similar process as the design review and is an approximate four to six week cycling process. They would need to provide full scale drawings and will need to indicate where they are putting the occupants and this is done with the design review process.

Councilmember Simmonds added that Mr. Brandley has already gone through the design review process so the project would have to return to the Planning Commission to get the conditional use permit to do the project with the alternate occupancy.

Mayor Petersen asked that even though the parking is a ratio of one to one is there discretion to lower that ratio to .85 to one.

Mr. DeSimone responded yes, if they have an alternative, sustainable parking plan.

Councilmember Simmonds said we need to have a place for cars to park and not in the residential neighborhoods.

Vice Chairman Daines said we basically did not enforce our winter parking rules this past winter season. She feels we need to make a decision for next year and it should be enforced and be consistent so people know what to expect.

Mr. DeSimone responded that he is working with Chief Police Gary Jensen and Public Works Director Mark Nielsen to make improvements for next year.

The proposed ordinance will be an action item and public hearing at the March 15, 2016 Council meeting.

OTHER CONSIDERATIONS:

Vice Chairman Daines suggested that the Council present a resolution to the Logan City Planning Commission and thanking them for their service. She will prepare a resolution for the Mayor and Council's signature and present it to the Planning Commission at an upcoming meeting.

ADJOURN to a meeting of the Logan Redevelopment Agency.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Jensen to **adjourn to a meeting of the Logan Redevelopment Agency** as presented. Motion carried unanimously.

Chairman Herm Olsen welcomed everyone to the Logan Redevelopment Agency meeting.

ACTION ITEM:

PUBLIC HEARING - Consideration of a proposed resolution approving Agency Assistance in Neighborhood Nonprofit Housing Corporation's "Welcome Home – Own in Logan" Program – Resolution 16-07 RDA

At the February 16, 2016 Council meeting, Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He stated that the Neighborhood Nonprofit Housing Corporation, in partnership with Logan City, has offered "Welcome Home: Own in Logan!" since 2003. Households must make less than 80% of the area median income; new construction, condominiums, and town homes are excluded. The continued intent of the program is to encourage families to purchase and care for homes that might otherwise be purchased by non-occupant owners. Individual grant amounts, matched savings funding, and additional grant funding for rehabilitation of purchased homes has varied over the past 13 years to more specifically address city goals and needs. The RDA Committee has recently changed the recapture policy so that the initial \$5,000 city investment is now never forgiven. The matching funds (up to \$2,500) still have a ten year recapture period before that portion is forgiven.

To date, the program has provided \$1,213,825 in funding to help 195 families purchase homes. The average income of participants is \$31,611 or 63% of the area median income. The average home was built in 1962, and the average purchase price is \$129,567. A total of 84% of all program participants are still in their homes. These statistics demonstrate that the program is working as intended; families are purchasing older homes in Logan City, and they are staying in them. During 2015, 24 families qualified for the Welcome Home program and became first-time homebuyers. Of these qualified families, 16 used RDA funds totaling \$108,250, seven used \$50,000 in CDBG funds and one used NNHC Recapture funds for \$5,000.

NNHC has currently expended all available Welcome Home funding that was awarded to NNHC from both RDA and CDBG. NNHC is planning to apply for more CDBG funds but these funds will not be available until July 2016. In order to maintain the program and to assist Logan City in its efforts to attract homebuyers to the city, we would request \$75,000 in RDA Affordable Housing funds. We appreciate Logan City's support for affordable housing and interest in strengthening your neighborhoods, and look forward to working together in the future.

Chairman Olsen opened the meeting to a public hearing.

There were no comments and Chairman Olsen closed the public hearing

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve Resolution 16-07 RDA** as presented. Motion carried unanimously.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 6:40 p.m.

Teresa Harris, City Recorder