

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, October 4, 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 S. Eugene Needham and Councilmember Jeannie F. Simmonds. 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 14 citizens in the audience at the beginning of the meeting. He also recognized former Councilmember Louise Brown who is in the audience tonight.

OPENING CEREMONY:

Herm Olsen gave the opening thought and led the audience in the pledge of allegiance. He paid tribute to three notable Logan residents who recently passed away. They are Claude Burtenshaw, Newell Daines and Clair Wilson.

Meeting Minutes. Minutes of the Council meeting from September 20, 2016 were reviewed and approved with minor changes.

ACTION. Motion by Councilmember Simmonds seconded by Vice Chairman Daines to **approve the September 20, 2016 minutes as amended and approve tonight's agenda.** Motion carried unanimously.

Meeting Agenda. Chairman Olsen announced there are four public hearings scheduled for 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, October 18, 2016.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:

Logan resident Joe Tenant addressed the Council regarding the nuclear power plant topic and stated that he would like to hear more about this issue.

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

MAYOR/STAFF REPORTS:

Updates on Projects/Issues – Mayor Petersen

Mayor Petersen addressed the Council on the following projects and issues.

1. Current Construction Projects
 - a. The two East-West roads at the South end of the Logan Cemetery are being repaved at this time. The work will be completed by the middle of the month.
 - b. Construction continues on roads at 800 West from 600 to 750 North and 350 South from 1000 to 1350 West.
2. The City received a grant in the amount of \$50,000 from the Utah Outdoor Recreation Program. These funds will be used for the bridge on the new connecting trail in the Rendezvous Park area.
3. The Planning Commission will be considering several residential zoning areas from R6 to R4.
4. The Community Gardens had a successful first year with about 35 plots being used. This year's experience will allow the program to be improved for next year.
5. County Trails Coordinator Dayton Crites is working on development of the trail along the Middle Canal at approximately 600 East from 400 North to 1400 North.
6. There will be an Employee's Appreciation Lunch on Monday, October 10, from 11:30 – 1:00 at the Golf Course Clubhouse. Council members are invited to participate.
7. The City's external auditors are here this week to examine the City's Annual Financial Statements. They may want to talk with Council members.
8. Mayor Petersen congratulated City Recorder Teresa Harris who was elected to serve as the Vice President of the Utah Municipal Clerks Association.

Board Appointment (Library) – Mayor Petersen

Mayor Petersen asked for ratification of Lizette Villegas to serve on the Logan Library Board which is a three year term.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Simmonds to **approve ratification of Lizette Villegas** as presented. Motion carried unanimously.

Nuclear Power – Mark Montgomery, Light & Power Director

Light & Power Director Mark Montgomery addressed the Council regarding nuclear power. He said the thorium reactors are a viable technology but is far off in the future with the best estimates being that they will be ready to submit an application in 2030. This is a safe technology but the problem with salt reactors is once they cool off they can't refuel them because they harden and then the entire reactor has to be thrown away if that occurs which, doesn't make it cost effective. There is also an issue with the cost of the reactor and UAMPS is still in negotiation with NuScale. We are first in line for this technology but there is still a lot of negotiation on cost. NuScale feels the price should be

in the range of \$80 per megawatt and UAMPS feels it should be in the range of \$50 per megawatt.

Mr. Montgomery stated there is a lot of water that goes into a cooling tower and most of it goes out as vapor.

Councilmember Simmonds asked why UAMPS would be exploring a location for the reactor that does not have water.

Mr. Montgomery responded said the phasing starts with finding a location and it needs to be a fairly remote location. One of the biggest factors is seismic stability and that is why the area where the Idaho National Laboratory is preferred.

Councilmember Jensen said his concern with these large projects is they are projected at a certain cost but there are so many unknown factors that can drive up those costs.

Mr. Montgomery said the cost of this project is a quickly moving and active part. The next big step for Logan City and others involved is to sign a power purchase agreement which should come to the City after the first of the year. Mr. Montgomery said he sits on the UAMPS Board of Directors and Logan City has the largest portion of this right now. He is excited for the project and the only way to continue moving renewables forward is to have a viable base load.

Chairman Olsen said these are crucial issues being discussed that will impact our children and grandchildren in terms of purchase availability of power.

Mr. Montgomery said that currently Logan City signed up for 30 megawatts of power out of this plant but he can't help think that down the road we are going to wish we had signed up for more.

COUNCIL BUSINESS:

Report: Utah Attorney General, Use of Force Simulator

Councilmember Simmonds reported that a group including her, Mayor Petersen, Tom Jensen and Holly Daines participated in the Use of Force Simulator. She was completely in awe of the level of listening and communication that is required to diffuse a potentially volatile situation.

Vice Chairman Daines said there were also scenarios where a split second decision had to be made. She too was in awe of the responsibility and split second decisions that have to be made by law enforcement officers. She stated that she has a lot more empathy for officers and what they do for us.

Councilmember Jensen said he was very appreciative of the opportunity to be able to experience what situations an officer might have to face. In the past few weeks there have been officer involved shootings and he has referred back to this training. He hopes that all

officers continue with this training and he feels that citizens should also attend and see what officers face.

Vice Chairman Daines said she would like to have those in the media go through this training as well.

Councilmember Simmonds said the training has been offered to faith leaders and school principals throughout the State of Utah so they have the experience of that level of communication and that “stress moment” and to also experience how fast things can change.

Report: Utah League of Cities and Towns Annual Conference

Councilmember Tom Jensen reported on the ULCT Annual Conference that he attended. He felt it was impactful and worthwhile training.

Mayor Petersen added the connections and networking made during the conference are very worthwhile as well.

Councilmember Simmonds said it’s helpful to hear different perspectives and how other people view issues in their cities and towns. She is grateful that Logan has a downtown that is defined and is relatively thriving. She feels there are some communities in the Valley that are going to be challenged because they are mostly residential and their roads and services will be hard to maintain because they don’t have revenue to pay for these things.

Vice Chairman Daines added the issue of aging infrastructure was also presented and the long term issues because infrastructure is expensive and it eventually wears out.

Councilmember Jensen said that he was able to talk with representatives from Nibley City and he feels we need to continue talking with them about the South Corridor.

Zoning

Councilmember Simmonds stated that the Council has talked about some of the challenges in neighborhoods and the focus has been the issue of zoning. We have rezoned the entire City to R-6 and there are areas of Logan that don’t warrant being quite that dense. Community Development Director Mike DeSimone and his staff looked at different areas of the City and they have identified three areas that will go before the Planning Commission as a suggested rezone and there will be a public hearing process for everything that is proposed. After the Planning Commission it will come before the City Council for approval.

Community Development Director Mike DeSimone said the areas that have been identified are Hillcrest of approximately 80 acres, the Wilson area which takes in the bulk of Cliffside and goes down into the Island, and the Woodruff area which is approximately 190 acres. The proposal will be to rezone these areas that have been identified from R-6

to R-4. The proposed rezone will go to the Planning Commission on October 20 and will then move forward to the City Council.

Chairman Olsen said even though there is a general comfort level of moving from R-6 to R-4, his recollection is that Cache Envision 2020 urged the entire County including Logan City with the idea of densifying, building in and building up and that is where the R-6 notion came from to follow the lead of Cache Envision 2020. He likes the proposed rezone but is counter intuitive to the Cache Envision 2020 Plan.

Mr. DeSimone responded that it looked good on paper but in reality it's always more challenging than we expect it to be. The intent with the proposed rezone is to look at these areas that are currently developed at that level of density and look at what's next to it that is vacant. In the three areas identified it's probably a good idea to match the existing development pattern.

Mayor Petersen asked in the R-4 zone, we require a minimum lot size of 10,000 square feet and we don't require open space. Would there be value in having a zone that doesn't require lots sizes that large but would allow smaller lots sizes to be offset by substantial amounts of open space.

Mr. DeSimone responded that we used to have that provision in the Land Use Development Code but it was taken out when the Code was adopted in 2011.

Councilmember Jensen said part of the motivation is to give greater variety for people and to attract long term home ownership, because a smaller lot tends to be a starter home for people.

Councilmember Simmonds said it also helps with stabilization and its challenging to have a built environment such as Hillcrest and there are areas on the Island where it's virtually built-up and the rezone really only accommodates some small parcels. Changing the zoning will allow us to respect what is already there and hopefully the neighborhoods will have stability by doing it this way.

Councilmember Needham feels that every neighborhood needs a variety of different house and lot sizes.

Mayor Petersen commented that as the rezoning is done, we need to make sure we aren't doing something that would make these lots unmarketable. He used the example of the millennial generation who want smaller lot sizes and less upkeep on a yard.

Councilmember Jensen said a good example of a community with various lot and home sizes is the Daybreak Community in South Jordan, Utah.

ACTION ITEMS:

***(Continued from September 20, 2016)* PUBLIC HEARING - Code Amendment – Consideration of a proposed ordinance amending Subsection (C)(2) of 10.52.285 of the Logan Municipal Code Regulating the Booting of Vehicles – Ordinance 16-23**

At the September 20, 2016 Council meeting, Logan Police Chief Gary Jensen addressed the Council and said he feels that those involved in the proposed ordinance have gone through an exhaustive process to try and come up with something to represent fairly the property owners in Logan, the booting companies, citizens and students. When this was presented to the Council on September 6, it was proposed that a one hour response time be added to the ordinance. Since September 6, there have been several meetings held with the booting companies and others involved to help bring this ordinance together.

Research has been done and there are a couple of cities similar to Logan such as Orem and Provo who are also have university communities and both have active booting and towing ordinances. Looking at these two city's ordinances, he is now presenting a hybrid which he feels best represents Logan. The one hour response time to release a boot also included in the Provo City ordinance. Other changes are that the practice of booting has the potential for problems such as damage or even injury that might occur from the booting or releasing of a boot on a vehicle. He proposed a general liability insurance requirement in the amount of \$250,000 be added to the agreement as a protection for the booter as well as the person being booted. He proposed the amount of \$250,000 general liability policy to be added. Other small additions would be that the booting employees should be visibly recognizable with clothing, name tag, etc. Another proposed item is the booting companies are required to have an authorized agent that would be capable of removing the boot in the event that someone that has been booted contacts them. There are two booting companies in our community. One booting company feels this is an imposition and the other feels the one hour response time is not a problem whatsoever. The booting company should also be able to handle a transaction in whatever way the person wants to pay.

Assistant Attorney Craig Carlston also added that the booting company would be required that anyone hired by them would have to go through a BCI Criminal background check.

Chief Jensen said the reason for a background check for anyone working for the booting companies is that we don't want to put people out in our community who have a criminal background. He proposed that the police department complete the background checks and that wasn't something that the booting companies wanted the police department to do. Tow truck drivers have the same requirement at the State level and it's a simple application to the State of Utah for a background check.

Chairman Olsen opened the meeting to a public hearing.

Jacob Call addressed the Council and he owns Cache Parking which is one of the booting companies in Logan, he also works for a towing company. He said originally the one hour rule was added and he initially was in support of this change. Since then, there have been at least three other things added to the proposed ordinance that make the one hour

response time more difficult. He feels that one way to identify if we have booting problems in Logan is if property owners are coming to the Council and stating that they can't get a booting company to enforce the things that they want enforced. He said if there are a lot of complaints about being booted then maybe there is a problem with trespassing and not so much with the booting company, if they are posting signs and enforcing the rules that property owners have asked the booting company to do. He enforces parking in other communities other than Logan and a lot of them don't have a booting ordinance. He also said there are more complaints in Logan than other areas and he can't explain why but feels there are legitimate reasons for those complaints. He said that both he and Dennis Shaw offer a refund if the property owner feels that the boot is unwarranted but there are not many refunds that are requested. The booting company does not set the rules and they are set by the property owner. The property owner doesn't have any incentive to use the booting company unless they have a parking problem. He asked how long the booting companies have to come into compliance if the ordinance is adopted. He has talked with Dennis Shaw about the possibility of merging their two companies and he might just continue doing the towing. He also asked about the trend of complaint calls made to the police department, are there more, less or the same amount of calls over the past several years.

Dennis Shaw, General Manager of Cache Auto Booting addressed the Council and read a prepared statement. He feels that the current Logan City Booting Ordinance provides more than enough protection for people whose vehicles have been booted. He feels the proposed booting ordinance removes the equal protection aspect of the current ordinance and imposes unnecessary regulations that don't provide additional protection to the public, and puts the booting companies in a position where the new ordinance will be violated. He feels that passage of the ordinance will negatively impact those it purports to protect. It will change how parking violations are handled for years to come.

Sam Bateman addressed the Council and stated he is a driver for Cache Auto Booting and this is his primary employment. He can only remember one circumstance where the police had to respond because the driver of a vehicle that had been booted was trying to take his booted tire off and replace it with a spare tire. He said responding in one hour to take off a boot will be very difficult to accomplish and will cost a lot because of the time it will take. He would appreciate the Council not approving the ordinance.

Vice Chairman Daines said it was her understanding that some of the drivers are private contractors. She said if there was an incident where a vehicle was damaged when a boot was being put on or being taken off, what happens to the employee of Cache Booting and do they have personal liability insurance.

Mr. Bateman responded the situation of a vehicle being damaged has not happened. If a vehicle was damaged he would have to take the responsibility for it.

Councilmember Simmonds asked Mr. Bateman to explain why if he can't respond in a one hour time period, how that would affect his paycheck.

Mr. Bateman responded that his paycheck is based on commission on those vehicles that are booted. If the proposed ordinance is adopted with the one hour response time and if

the booting company is not able to respond within one hour they would have to take off the boot for free and that would affect his paycheck. His average response time to remove a boot is 15 to 30 minutes.

There were no further comments and Chairman Olsen closed the public hearing.

Councilmember Jensen asked how big of a problem are the booting complaints in Logan City and is there a breakdown related to time and how many people have waited over an hour to get a response from the booting company. Also, what are the reasons that the booting company did not respond in a timely manner.

Police Chief Gary Jensen said there have been 20 complaints in the last two years. One individual waited over four hours to get a response from the booting company, frustration mounted and the police were called. He said if it were his vehicle one instance of waiting four hours would be too much.

City Attorney Kymber Housley added there is not a provision in the proposed ordinance that if the booting company does not respond in one hour that they cannot charge for the boot on a vehicle.

Councilmember Jensen asked how many criminal offenders have been hired to work for the booting companies.

Chief Jensen responded none that he is aware of at this time.

Councilmember Jensen distributed a flyer that he said has been distributed at Utah State University. The flyer talks about the *Steps to Follow When Your Car is Booted* and the flyer is anonymous. He asked are we trying to solve a problem that doesn't exist and is it necessary to call the police every time a vehicle is booted.

Chief Jensen responded that he does not know who authored the flyer. If the police are summoned to assist they will respond especially if it's a keep the peace which typically suggests there is some idea that there might be trouble.

Councilmember Jensen said that personally he thinks the proposed ordinance is a "tempest in a teapot" and we are using a single incident out of 2,500, he feels it's excessive and ridiculous. He distributed a redlined copy of suggested changes to the ordinance. He referred to Page 2 regarding background checks. The ordinance states that the background check be done by the Bureau of Criminal Identification (BCI). He proposed adding to the language, "or other reputable background check agency." The issue being that it's the understanding of the booting company that the background check could take up to four weeks through BCI and that would delay their hiring process.

Chief Jensen responded that he contacted BCI about the time needed for a background check. BCI said there are two ways to complete a background check, one by mail and the other option is in person. By mail, it could take up to three days but probably more like two days. If needed immediately, the person can drive to BCI and it takes approximately

20 minutes. It cannot be done by email. The background check completed by BCI is exactly what is required of tow truck drivers through State law.

Councilmember Jensen said for the past 10 years, Cache Auto Booting has done criminal background checks with every person they hire and if there is a problem the person is not hired. They are using a company other than BCI.

City Attorney Kymber Housley added that other background check agencies are still going to rely on BCI information so ultimately, that is the source.

Councilmember Jensen said if BCI can provide the information in a timely manner then he does not have a problem with them being used for the background checks.

Assistant City Attorney Craig Carlston added that the language in the proposed ordinance regarding background checks is the same language for tow truck drivers. He also said that we require door-to-door salesmen to get BCI background checks as well.

Councilmember Jensen referred to Page 3 and the issue of fairness regarding insurance. He proposed the language that states, "Insurance requirements shall be equivalent and not exceed that required by Logan City of other private service who provides work on private property."

Mr. Housley responded the booting is not a voluntary service and the idea of insurance can be justified.

Chairman Olsen said a college student working for the booting company won't have business insurance and the person being booted will have a hard time collecting anything from this college student.

Chief Jensen said the towing industry is required to have a \$750,000 to one million dollar policy and he didn't feel that was appropriate and proposed the amount of \$250,000.

Councilmember Jensen said he checked with two insurance agencies regarding this issue and they both agreed that the auto policy that is required by the State would cover this issue. They also said general liability could be done but the quotes they gave him were quite different so he suggested that the insurance amount be further researched.

Chairman Olsen stated that a personal auto policy applies to personal injury caused by the negligence of the driver of a vehicle and is not the same policy.

Vice Chairman Daines said she would be willing on general liability insurance, to come down a little and leave the aggregate at \$250,000. She would like to see the young college students that are working for Cache Auto Booting, protected and have insurance. Mr. Housley said it's also possible that Mr. Shaw could have an insurance package that covers everything.

Vice Chairman Daines also suggested that rather than making it a Class C Misdemeanor we extend the time to remove the boot in 90 minutes and if the booter cannot respond in

90 minutes there is no charge to remove the boot so there is an economic incentive to remove the boot as soon as possible.

Chief Jensen said that was suggested but again that puts the booter and the bootee back into the civil ring of court. He would like the ordinance represented from a criminal perspective and it was changed from a Class B to a Class C Misdemeanor to help offset the notion of jail time or arrest. He said according to the City's Business License Department we already have in place an appeals process to help people and this has also been codified.

Councilmember Jensen referred to Page 5 and would like to add, "The booted vehicle within one (1) hour of a request made may be excused if personnel are reasonably prevented by severe weather, severe traffic congestion, war, hostility, riot, or other conditions beyond the control of the enforcement company."

Chairman Olsen said his feeling is the college students who are working for the booting company are doing so as an independent contractor. They get paid by the boot and they are making business decisions.

Chief Jensen said that by allowing such a broad interpretation, it puts us right back to where we are now. He referred to wrongful appropriation in State Code 76-6-404. He stated that if a vehicle is booted for a time period of for example four hours and the booting company does not respond, he feels this is wrongful appropriation. He doesn't want the booter or the vehicle owner to be in this situation. He feels we need to set the bar with a one hour expectation and the booting company will respond, show up, and then work through the details which protects everyone.

Councilmember Simmonds said through this process she has been confused and asked are all of these restrictions placed on every independent contractor that works for the booting company or on the booting company who is responsible for their employees.

Mr. Housley said we don't regulate the business entity through this ordinance so anybody that performs the act of booting is regulated. Technically, if you are an independent contractor you should get a separate license but he is not suggesting that there couldn't be a parent company who they work under.

Councilmember Needham said what he is hearing from the booting companies is that if the Council adopts this ordinance, the booting companies could go out of business and the alternative of booting is towing which will be more expensive to the vehicle owner.

Chairman Olsen responded that what Mr. Shaw said is he would not go out of business but would likely only do towing rather than booting.

Chief Jensen said he has contacted Provo, Orem and Boise, Idaho and booting companies are alive and well in those communities and they are booting every day.

Vice Chairman Daines said she would be willing to entertain the economic incentive and drop the misdemeanor statement, try it for a year or two and we can always revisit the ordinance later.

ACTION. Motion by Councilmember Simmonds seconded by Chairman Olsen to **adopt Ordinance 16-23** as presented. Motion failed.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Jensen to **amend Ordinance 16-23 that personnel authorized to remove the boot at the location of the booted vehicle within ninety (90) minutes of a request made to the enforcement company by the owner or authorized agent of the booted vehicle. The parking enforcement company's obligation to have personnel authorized to remove a boot at the location of the booted vehicle within ninety (90) minutes of a request made may be excused if personnel are reasonably prevented by severe weather, severe traffic congestion, war, hostility, riot, or other act of God. No criminal sanctions under the City's municipal code may be imposed against a parking enforcement company for the violation of this subsection. No fees for the removal of the boot shall be payable if a parking enforcement company.** Motion carried unanimously.

ACTION. Motion by Councilmember Jensen seconded by Vice Chairman Daines to **table Ordinance 16-23 to the October 18, 2016 Council meeting as an action item and no public hearing.** Motion carried 3-2 (Olsen and Simmonds voted nay).

(Continued from September 20, 2016) **PUBLIC HEARING – Winter Parking Permits (Updated)**

Mr. DeSimone addressed the Council regarding Winter Parking Permits. He said that based on the September 6, 2016 meeting regarding winter parking, the following two options are presented for discussion purposes:

1. Scale back the winter parking permit system and restrict its use for only those properties that have lost parking due to the park strip reclamation program (or a well defined set of criteria) and consider a permit fee increase to help additional parking enforcement during the winter months.
2. Eliminate all overnight parking permits and prohibit all on-street parking between the hours of 1:00 a.m. and 6: 00 a.m. November 15 through February. This could happen immediately or over a prior of 1-2 years to allow time for property owners and tenants to make alternate parking arrangements.

He also stated that a notice was posted in the newspaper, the City's website and on the City's social media inviting public input and participation at tonight's meeting.

Mr. DeSimone stated that other than the two proposed options there is a third option of expanding the daytime residential parking system and creating a Campus Residential Zone.

Chairman Olsen opened the meeting to a public hearing.

Lance Parker addressed the Council and suggested an alternate parking plan on city streets and by doing this he feels that winter parking permits can be eliminated. He said

Logan City addresses are set up in such a way that even number streets are on one side and odd number streets are on the opposite side of the street. He suggested that a parking schedule could be done where on even numbered days of the month resident's park on one side of the street, etc. That way every night there is at least one side of the street that crews can plow the snow.

Louise Brown addressed the Council and stated that she and her husband have owned a four-plex located at 215 North 100 East for 30 years. The building was constructed as a four-plex in the 1930's and in complete compliance with Logan City requirements at the time and has remained in compliance to this day. Her property was grandfathered due to narrow side yards which will not allow a car to the rear yard. When parking became a requirement, a four car site was added across the parking strip in front of the four-plex and at that time it was allowed. The parking remained for many years and accommodated the tenants without difficulty. Then a few years ago, the decision was made that park strips across the entire City needed to be reclaimed. At the time her park strip was removed, her property stayed in compliance and she was instructed by the City to buy alternate parking spots on the street each season and she has purchased those parking spots annually to stay in compliance with the City. Now, the City is talking about taking away the option of parking on the street. She said if on street parking is taken away; it will render her property useless as a rental site. She asked the Council to reconsider the options before them and if too many permits are being sold then look at those that really don't have alternate parking.

Logan resident Joe Tennant addressed the Council and said as a matter of principle he does not think it's the City's job to maintain the value of rental properties.

There were no further comments and Chairman Olsen closed the public hearing. Councilmember Simmonds distributed a list of issues and potential solutions to winter parking and suggested the following:

- Keep winter parking permits at a similar cost for those residences and multifamily that qualify
- Align the process to tie the permit to an automobile license plate. This will help with over occupancy as well as enforcement
- Extend the winter parking from November 1 through April 30 (we have had very large snowstorms in April the past few years and beginning of the month is easier to remember than mid-month)
- Give warning tickets the first week of the season
- Increase the ticket fines progressively, perhaps ending in towing
- Prohibit on street overnight parking during the winter season on any collector or arterial roadway to allow snowplowing of major roadways
- Define overnight as midnight to 6 a.m.
- Create a positive enforcement environment
- Work separately with the Campus Residential zoning district. This would apply to everywhere else in the city
- Expand the daytime parking permit area in Adam's, as per Mike DeSimone's suggestion

Vice Chairman Daines said she isn't ready to exclude Campus Residential at this time. She feels for this year we should leave the regulations the same and continue to look at other options.

Mayor Petersen suggested that we wait and see what Utah State University will do to help us with parking.

Councilmember Simmonds said she would like to give some relief to the neighborhoods in the Campus area. She would also like the City to consider making parking available in the area between 100 and 200 North on 100 East (behind the Fire Station).

Vice Chairman Daines asked how many permits are on the major arterial roads.

Mr. DeSimone said he does not have a number of parking permits for the major arterial roads. The bulk of the permits are issued in the Adam's Neighborhood.

Councilmember Needham said he supports the idea that we consider Louise Brown's situation and those like her who gave up their parking in good faith. He likes the idea of alternate street parking and he feels we have an obligation to those who have lost their park strips.

Councilmember Simmonds said the suggestions she has made are only for winter parking. Parking in the summer months would be just the same as it is now.

Chairman Olsen said people were using the City right-of-way for parking and did so for years. The City right-of-way was then taken away so the residents didn't give up the parking, the City reclaimed what it already owned.

Vice Chairman Daines said when Mr. DeSimone originally brought this issue forward he presented two options. One option was to scale back the winter parking permit system and restrict its use for only those properties that had lost parking due to the park strip reclamation program. Also, consider an increase to the permit fees to help fund additional parking enforcement during the winter months. She is to the point where she would like to see the first option implemented and scale back the permits if the numbers are getting out of control. She suggested giving warning tickets for the first week and increasing our neighborhood parking. She would be willing to consider extending the dates for winter parking as mentioned by Councilmember Simmonds. She feels we need to keep Campus Residential the same and not treat them differently than the rest of the City and see if USU is willing to help.

Councilmember Jensen said he likes the idea of scaling back but instead of increasing the cost of permits, he suggested increasing the cost of the ticket given to those violating the parking rules.

Councilmember Simmonds said we need to make it easier to enforce.

Logan Police Lt. Bret Randall addressed the Council and said a person comes to Utility Billing to get a residential permit, the permit is given to the person who lives there and

they are required to include information on their vehicle. The permit itself is a hanging permit that hangs on the rear view mirror or there is a guest pass that is placed on the dashboard. The application has vehicle information on it but it's not entered into a computer and there is no tracking system. If they have a residential and overnight permit they have to rotate the two different permits depending on whether its day or night.

Councilmember Simmonds said her concern is that it's very hard to enforce the way things are now.

Mr. DeSimone said the original intent of the program was temporary to allow people enough time to find an alternative parking locations for their vehicles. He feels what the City realized after three years is that people are not going to find alternate parking and they rely on a pass to park in the street.

Chairman Olsen stated there are some properties that were built 80 years ago and parking was not considered at that time. There are some of these locations in the City where there are no parking options and we need to adjust and allow parking but he feels it should be a fair market value expense and he does not think \$200 for a permit is too much.

Mr. DeSimone said there has to be a link for what you are paying for a permit and how the City is going to use the funding. He feels the bigger question is does the City have the responsibility to provide parking for these property owners that don't have parking.

Chief Jensen added that the police department is meeting with a parking software company that has the capability of installing equipment in patrol cars to help with parking enforcement.

Chairman Olsen said the ultimate purpose of parking enforcement is to protect neighborhoods that are being over occupied and over parked which means more enforcement and a fee to help offset the enforcement costs.

Councilmember Simmonds suggested that landlords could come in and request the permits they are entitled to for their tenants. The tenants then come in and provide information and somehow this information is tied to a license plate.

Mayor Petersen asked the Council if they have identified the problem and is it the 250 permits we have issued or is the real issue the number of illegal parking which is extremely high.

Vice Chairman Daines asked if our software allows us to do a tiered increase in fines and can that be put into code.

Mr. Housley responded there is the ability to do it that way. The police department already issues warnings at the beginning of the winter season before they issue tickets.

Lt. Randall said they print off warning flyers and hand them out. He also said there is the ability to make a change to the software to allow a progressive ticketing process.

Councilmember Simmonds proposed that winter parking permits remain at the same cost this year for qualifying residents. Then, extend the time period for winter parking from November through April 30, work toward the progressive fine and prohibit overnight parking in the winter on the collector and arterial roadways.

Mr. Housley said if the Council wants to expand the timing of the winter parking rules that would be done by ordinance. He also added that the timing was reduced at one time and if we do get a snowstorm in the month of April, the snow will likely melt very quickly. He suggested the Council get input from Public Works regarding that issue. The Winter Parking Permit Program was passed by resolution in 2006 and he suggested that it be codified with an ordinance rather than by resolution.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Needham to **continue the winter parking permit process this year and proposed to increase the fee to \$75 next year and continue to work on the issues** as presented. Motion amended by Councilmember Simmonds.

ACTION. Motion by Councilmember Simmonds seconded by Councilmember Needham to **amend Vice Chairman Daines motion to continue the winter parking permit process this year and in two weeks the Council will review an ordinance drafted by staff** as presented. Motion carried unanimously.

PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$8,000 for a grant the Police Department was awarded from the Internet Crimes Against Children (ICAC) Task Force of Utah. These funds will be used to investigate, protect, and educate the community on child exploitation; \$4,380 funds the Police Department was awarded for bullet proof vest purchases this fiscal year; \$200,000 for a grant the Parks & Recreation Department received from the Utah Department of Transportation (UDOT). These funds will be used for trail improvement from 1500 East to the Bonneville Shoreline Trail; \$3,018 for a grant the Communications Center was awarded this fiscal year. These funds will be used for certification, training, and continuing medical education for the Communication Center - Resolution 16-53

At the September 20, 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 Jensen seconded by Councilmember Simmonds to **approve Resolution 16-53** as presented. Motion carried unanimously.

Consideration of a proposed request by Ashbury Court Phase 3 for the City of Logan to accept their private infrastructure – Resolution 16-54

At the September 20, 2016 Council meeting, Public Works Director Mark Nielsen addressed the Council regarding the proposed request by Ashbury Court. He received a letter requesting that the City consider accepting private infrastructure in the Ashbury Court 2 Subdivision. Based on this request, the Public Works Department has analyzed the existing private infrastructure to determine what measures would be required to bring it up to current City standards. The letter requesting the City accept the infrastructure only specifies the roads and does not include all private infrastructures. After conversation with Derek Salisbury who is making the request, he indicated that all private infrastructures should also be included. The private infrastructure in Ashbury Court 2 includes streets, sewer lines, curb and gutter, sidewalk, storm drain and detention basin.

Mr. Nielsen stated that this subdivision has much of the infrastructure installed to City standards and the biggest impact will be bringing streets up to City standards. Public Works recommended that the Council not accept the infrastructure. Short cuts were made to maximize the number of homes within this subdivision which creates the issues associated with bringing the streets up to current standards.

Mr. Nielsen said the right-of-way would need to be widened, not necessarily the road. This subdivision has CC&R's that list the requirements and these are given to the property owners and they should know what the requirements are before they buy property in the area.

At tonight's Council meeting, Public Works Director Mark Nielsen commented there were conflicting documents recorded on private infrastructure. The resolution was originally presented to include sewer, collection lines and storm drain collection lines and those are public utilities, they are not private. The only two items being requested are streets and open space and they are included in the revised resolution that was distributed to the Council. His recommendation remains the same that the Council does not approve the resolution.

Chairman Olsen opened the meeting to a public hearing.

HOA spokesperson Derek Salisbury addressed the Council. He stated when he moved to the Ashbury Subdivision he understood that it was private and was under the impression by the developer that at that point when the HOA took it over they could do what they wanted. He feels the HOA can maintain the sidewalk but his concern is future residents who come into the HOA. He requested the Council consider approving the resolution.

There were no further comments and Chairman Olsen closed the public hearing.

ACTION. Motion by Vice Chairman Daines seconded by Councilmember Jensen to **approve Resolution 16-54 as presented for denial.** Motion carried unanimously.

WORKSHOP ITEM:

Budget Adjustment FY 2016-2017 appropriating: \$49,391 to account for the cost of a change in benefit plans; \$15,635 for a Logan City Healthy Living Grant from Bear River Health for signage; \$17,279 for a grant the Logan Library was awarded from

the State of Utah. The funds will be used to buy a self checkout machine for citizens to use - Resolution 16-56 – Richard Anderson, Finance Director

Finance Director Richard Anderson addressed the Council regarding the proposed budget adjustments.

The proposed resolution will be an action item and public hearing at the October 18, 2016 Council meeting.

OTHER CONSIDERATIONS:

ADJOURNED to meeting of the Logan Redevelopment Agency

Chairman Olsen welcomed those present. There were approximately 6 citizens in the audience at the beginning of the meeting.

WORKSHOP ITEMS:

Consideration of a proposed Quayle Meadows Community Reinvestment Project Area Plan – Kymber Housley, City Attorney

City Attorney Kymber Housley addressed the Council and stated the proposed Quayle Meadows project will be a public hearing on October 18, 2016. The intent is to create a Community Reinvestment Project Area and to give incentives for the Quayle Meadows Subdivision. By this being a project area it will be eligible to generate tax increment and in this case, because of housing we are able to take from other Redevelopment Project Areas. The school district will also weigh in on this proposed project area.

The proposed resolution will be an action item and public hearing at the October 18, 2016 Council meeting.

Consideration of a proposed resolution approving Agency assistance in the Bear River Association of Governments' First Time Home Buyer Assistance Program – Resolution 16-55 RDA – Kirk Jensen, Economic Development Director

Economic Development Director Kirk Jensen addressed the Council regarding the proposed resolution. He stated the Bear River Association of Governments' First Time Home Buyer Program helps make the dream of owning a first home a reality for those families and individuals living in the Bear River Region. This program provides valuable education for the first time home buyer and funding for closing costs or down payment assistance for their first home. The intent of the program is to provide up to \$2,000 in closing costs or down payment assistance for first time home buyers with a yearly combined income equal to or less than 80 percent of the County's median family income. Assistance is provided as a zero interest, deferred loan, and applicants are required to participate in a Homebuyer Education Workshop offered by Utah State.

The Economic Development Committee has reviewed the requested assistance and recommended approval that the Agency approve a grant from the Agency's Affordable

Housing Funds, in an amount not to exceed \$10,000, to provide funding for BRAG's sponsorship of USU's Home Ownership Workshop.

The proposed resolution will be an action item and public hearing at the October 18, 2016 Council meeting.

ADJOURNED. There being no further business to come before the Council, the meeting of the Logan Municipal Council adjourned at 8:20p.m.

Teresa Harris, City Recorder