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3 Minutes of the meeting of the Logan Municipal Council convened in regular  
4 session on Tuesday, October 4, 2016 at 5:30 p.m. in the Logan City Municipal Council  
5 Chamber, 290 North 100 West, Logan, Utah. Chairman Herm Olsen conducting.

6  
7 Councilmembers present at the beginning of the meeting: Chairman Herm Olsen,  
8 Vice Chairman Holly Daines, Councilmember Tom Jensen, Councilmember S. Eugene  
9 Needham and Councilmember Jeannie F. Simmonds. Administration present: Mayor H.  
10 Craig Petersen, Finance Director Richard Anderson, City Attorney Kymber Housley and  
11 City Recorder Teresa Harris.

12  
13 Chairman Olsen welcomed those present. There were approximately 14 citizens in the  
14 audience at the beginning of the meeting. He also recognized former Councilmember  
15 Louise Brown who is in the audience tonight.

16  
17 **OPENING CEREMONY:**

18  
19 Herm Olsen gave the opening thought and led the audience in the pledge of allegiance.  
20 He paid tribute to three notable Logan residents who recently passed away. They are  
21 Claude Burtenshaw, Newell Daines and Clair Wilson.

22  
23 **Meeting Minutes.** Minutes of the Council meeting from September 20, 2016  
24 were reviewed and approved with minor changes.

25  
26 **ACTION.** Motion by Councilmember Simmonds seconded by Vice Chairman Daines to  
27 **approve the September 20, 2016 minutes as amended and approve tonight's agenda.**  
28 Motion carried unanimously.

29  
30 **Meeting Agenda.** Chairman Olsen announced there are four public hearings  
31 scheduled for tonight's Council meeting.

32  
33 **Meeting Schedule.** Chairman Olsen announced that regular Council meetings  
34 would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular  
35 Council meeting is Tuesday, October 18, 2016.

36  
37 **QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL:**

38  
39 Logan resident Joe Tenant addressed the Council regarding the nuclear power plant topic  
40 and stated that he would like to hear more about this issue.

41  
42 There were no further comments or questions for the Mayor or Council.

43  
44 **MAYOR/STAFF REPORTS:**

45  
46 **Updates on Projects/Issues – Mayor Petersen**

47

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

49

50 1. Current Construction Projects

51 a. The two East-West roads at the South end of the Logan Cemetery are being  
52 repaved at this time. The work will be completed by the middle of the month.

53 b. Construction continues on roads at 800 West from 600 to 750 North and 350  
54 South from 1000 to 1350 West.

55

56 2. The City received a grant in the amount of \$50,000 from the Utah Outdoor  
57 Recreation Program. These funds will be used for the bridge on the new connecting  
58 trail in the Rendezvous Park area.

59

60 3. The Planning Commission will be considering several residential zoning areas from  
61 R6 to R4.

62

63 4. The Community Gardens had a successful first year with about 35 plots being used.  
64 This year's experience will allow the program to be improved for next year.

65

66 5. County Trails Coordinator Dayton Crites is working on development of the trail along  
67 the Middle Canal at approximately 600 East from 400 North to 1400 North.

68

69 6. There will be an Employee's Appreciation Lunch on Monday, October 10, from 11:30  
70 – 1:00 at the Golf Course Clubhouse. Council members are invited to participate.

71

72 7. The City's external auditors are here this week to examine the City's Annual Financial  
73 Statements. They may want to talk with Council members.

74

75 8. Mayor Petersen congratulated City Recorder Teresa Harris who was elected to serve  
76 as the Vice President of the Utah Municipal Clerks Association.

77

78 **Board Appointment (Library) – Mayor Petersen**

79

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

82

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

85

86 **Nuclear Power – Mark Montgomery, Light & Power Director**

87

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

95 technology but there is still a lot of negotiation on cost. NuScale feels the price should be  
96 in the range of \$80 per megawatt and UAMPS feels it should be in the range of \$50 per  
97 megawatt.

98  
99 Mr. Montgomery stated there is a lot of water that goes into a cooling tower and most of  
100 it goes out as vapor.

101  
102 Councilmember Simmonds asked why UAMPS would be exploring a location for the  
103 reactor that does not have water.

104  
105 Mr. Montgomery responded said the phasing starts with finding a location and it needs to  
106 be a fairly remote location. One of the biggest factors is seismic stability and that is why  
107 the area where the Idaho National Laboratory is preferred.

108  
109 Councilmember Jensen said his concern with these large projects is they are projected at  
110 a certain cost but there are so many unknown factors that can drive up those costs.

111  
112 Mr. Montgomery said the cost of this project is a quickly moving and active part. The  
113 next big step for Logan City and others involved is to sign a power purchase agreement  
114 which should come to the City after the first of the year. Mr. Montgomery said he sits on  
115 the UAMPS Board of Directors and Logan City has the largest portion of this right now.  
116 He is excited for the project and the only way to continue moving renewables forward is  
117 to have a viable base load.

118  
119 Chairman Olsen said these are crucial issues being discussed that will impact our children  
120 and grandchildren in terms of purchase availability of power.

121  
122 Mr. Montgomery said that currently Logan City signed up for 30 megawatts of power out  
123 of this plant but he can't help think that down the road we are going to wish we had  
124 signed up for more.

125  
126 **COUNCIL BUSINESS:**

127  
128 **Report: Utah Attorney General, Use of Force Simulator**

129  
130 Councilmember Simmonds reported that a group including her, Mayor Petersen, Tom  
131 Jensen and Holly Daines participated in the Use of Force Simulator. She was completely  
132 in awe of the level of listening and communication that is required to diffuse a potentially  
133 volatile situation.

134  
135 Vice Chairman Daines said there were also scenarios where a split second decision had to  
136 be made. She too was in awe of the responsibility and split second decisions that have to  
137 be made by law enforcement officers. She stated that she has a lot more empathy for  
138 officers and what they do for us.

139  
140 Councilmember Jensen said he was very appreciative of the opportunity to be able to  
141 experience what situations an officer might have to face. In the past few weeks there have

142 been officer involved shootings and he has referred back to this training. He hopes that all  
143 officers continue with this training and he feels that citizens should also attend and see  
144 what officers face.

145  
146 Vice Chairman Daines said she would like to have those in the media go through this  
147 training as well.

148  
149 Councilmember Simmonds said the training has been offered to faith leaders and school  
150 principals throughout the State of Utah so they have the experience of that level of  
151 communication and that “stress moment” and to also experience how fast things can  
152 change.

153  
154 **Report: Utah League of Cities and Towns Annual Conference**

155  
156 Councilmember Tom Jensen reported on the ULCT Annual Conference that he attended.  
157 He felt it was impactful and worthwhile training.

158  
159 Mayor Petersen added the connections and networking made during the conference are  
160 very worthwhile as well.

161  
162 Councilmember Simmonds said it’s helpful to hear different perspectives and how other  
163 people view issues in their cities and towns. She is grateful that Logan has a downtown  
164 that is defined and is relatively thriving. She feels there are some communities in the  
165 Valley that are going to be challenged because they are mostly residential and their roads  
166 and services will be hard to maintain because they don’t have revenue to pay for these  
167 things.

168  
169 Vice Chairman Daines added the issue of aging infrastructure was also presented and the  
170 long term issues because infrastructure is expensive and it eventually wears out.

171  
172 Councilmember Jensen said that he was able to talk with representatives from Nibley  
173 City and he feels we need to continue talking with them about the South Corridor.

174  
175 **Zoning**

176  
177 Councilmember Simmonds stated that the Council has talked about some of the  
178 challenges in neighborhoods and the focus has been the issue of zoning. We have rezoned  
179 the entire City to R-6 and there are areas of Logan that don’t warrant being quite that  
180 dense. Community Development Director Mike DeSimone and his staff looked at  
181 different areas of the City and they have identified three areas that will go before the  
182 Planning Commission as a suggested rezone and there will be a public hearing process  
183 for everything that is proposed. After the Planning Commission it will come before the  
184 City Council for approval.

185  
186 Community Development Director Mike DeSimone said the areas that have been  
187 identified are Hillcrest of approximately 80 acres, the Wilson area which takes in the bulk  
188 of Cliffside and goes down into the Island, and the Woodruff area which is approximately

189 190 acres. The proposal will be to rezone these areas that have been identified from R-6  
190 to R-4. The proposed rezone will go to the Planning Commission on October 20 and will  
191 then move forward to the City Council.  
192

193 Chairman Olsen said even though there is a general comfort level of moving from R-4 to  
194 R-6, his recollection is that Cache Envision 2020 urged the entire County including  
195 Logan City with the idea of densifying, building in and building up and that is where the  
196 R-6 notion came from to follow the lead of Cache Envision 2020. He likes the proposed  
197 rezone but is counter intuitive to the Cache Envision 2020 Plan.  
198

199 Mr. DeSimone responded that it looked good on paper but in reality it's always more  
200 challenging than we expect it to be. The intent with the proposed rezone is to look at  
201 these areas that are currently developed at that level of density and look at what's next to  
202 it that is vacant. In the three areas identified it's probably a good idea to match the  
203 existing development pattern.  
204

205 Mayor Petersen asked in the R-4 zone, we require a minimum lot size of 10,000 square  
206 feet and we don't require open space. Would there be value in having a zone that doesn't  
207 require lots sizes that large but would allow smaller lots sizes to be offset by substantial  
208 amounts of open space.  
209

210 Mr. DeSimone responded that we used to have that provision in the Land Use  
211 Development Code but it was taken out when the Code was adopted in 2011.  
212

213 Councilmember Jensen said part of the motivation is to give greater variety for people  
214 and to attract long term home ownership, because a smaller lot tends to be a starter home  
215 for people.  
216

217 Councilmember Simmonds said it also helps with stabilization and its challenging to have  
218 a built environment such as Hillcrest and there are areas on the Island where it's virtually  
219 built-up and the rezone really only accommodates some small parcels. Changing the  
220 zoning will allow us to respect what is already there and hopefully the neighborhoods  
221 will have stability by doing it this way.  
222

223 Councilmember Needham feels that every neighborhood needs a variety of different  
224 house and lot sizes.  
225

226 Mayor Petersen commented that as the rezoning is done, we need to make sure we aren't  
227 doing something that would make these lots unmarketable. He used the example of the  
228 millennial generation who want smaller lot sizes and less upkeep on a yard.  
229

230 Councilmember Jensen said a good example of a community with various lot and home  
231 sizes is the Daybreak Community in South Jordan, Utah.  
232  
233  
234  
235

236 **ACTION ITEMS:**

237

238 ***(Continued from September 20, 2016)* PUBLIC HEARING - Code Amendment –**  
239 **Consideration of a proposed ordinance amending Subsection (C)(2) of 10.52.285 of**  
240 **the Logan Municipal Code Regulating the Booting of Vehicles – Ordinance 16-23**  
241

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

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

266

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

270

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

277

278 Chairman Olsen opened the meeting to a public hearing.

279

280 Jacob Call addressed the Council and he owns Cache Parking which is one of the booting  
281 companies in Logan, he also works for a towing company. He said originally the one  
282 hour rule was added and he initially was in support of this change. Since then, there have

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

302  
303 Dennis Shaw, General Manager of Cache Auto Booting addressed the Council and read a  
304 prepared statement. He feels that the current Logan City Booting Ordinance provides  
305 more than enough protection for people whose vehicles have been booted. He feels the  
306 proposed booting ordinance removes the equal protection aspect of the current ordinance  
307 and imposes unnecessary regulations that don't provide additional protection to the  
308 public, and puts the booting companies in a position where the new ordinance will be  
309 violated. He feels that passage of the ordinance will negatively impact those it purports to  
310 protect. It will change how parking violations are handled for years to come.

311  
312 Sam Bateman addressed the Council and stated he is a driver for Cache Auto Booting and  
313 this is his primary employment. He can only remember one circumstance where the  
314 police had to respond because the driver of a vehicle that had been booted was trying to  
315 take his booted tire off and replace it with a spare tire. He said responding in one hour to  
316 take off a boot will be very difficult to accomplish and will cost a lot because of the time  
317 it will take. He would appreciate the Council not approving the ordinance.

318  
319 Vice Chairman Daines said it was her understanding that some of the drivers are private  
320 contractors. She said if there was an incident where a vehicle was damaged when a boot  
321 was being put on or being taken off, what happens to the employee of Cache Booting and  
322 do they have personal liability insurance.

323  
324 Mr. Bateman responded the situation of a vehicle being damaged has not happened. If a  
325 vehicle was damaged he would have to take the responsibility for it.

326  
327 Councilmember Simmonds asked Mr. Bateman to explain why if he can't respond in a  
328 one hour time period, how that would affect his paycheck.

329

330 Mr. Bateman responded that his paycheck is based on commission on those vehicles that  
331 are booted. If the proposed ordinance is adopted with the one hour response time and if  
332 the booting company is not able to respond within one hour they would have to take off  
333 the boot for free and that would affect his paycheck. His average response time to remove  
334 a boot is 15 to 30 minutes.

335  
336 There were no further comments and Chairman Olsen closed the public hearing.

337  
338 Councilmember Jensen asked how big of a problem are the booting complaints in Logan  
339 City and is there a breakdown related to time and how many people have waited over an  
340 hour to get a response from the booting company. Also, what are the reasons that the  
341 booting company did not respond in a timely manner.

342  
343 Police Chief Gary Jensen said there have been 20 complaints in the last two years. One  
344 individual waited over four hours to get a response from the booting company, frustration  
345 mounted and the police were called. He said if it were his vehicle one instance of waiting  
346 four hours would be too much.

347  
348 City Attorney Kymber Housley added there is not a provision in the proposed ordinance  
349 that if the booting company does not respond in one hour that they cannot charge for the  
350 boot on a vehicle.

351  
352 Councilmember Jensen asked how many criminal offenders have been hired to work for  
353 the booting companies.

354  
355 Chief Jensen responded none that he is aware of at this time.

356  
357 Councilmember Jensen distributed a flyer that he said has been distributed at Utah State  
358 University. The flyer talks about the *Steps to Follow When Your Car is Booted* and the  
359 flyer is anonymous. He asked are we trying to solve a problem that doesn't exist and is it  
360 necessary to call the police every time a vehicle is booted.

361  
362 Chief Jensen responded that he does not know who authored the flyer. If the police are  
363 summoned to assist they will respond especially if it's a keep the peace which typically  
364 suggests there is some idea that there might be trouble.

365  
366 Councilmember Jensen said that personally he thinks the proposed ordinance is a  
367 "tempest in a teapot" and we are using a single incident out of 2,500, he feels it's  
368 excessive and ridiculous. He distributed a redlined copy of suggested changes to the  
369 ordinance. He referred to Page 2 regarding background checks. The ordinance states that  
370 the background check be done by the Bureau of Criminal Identification (BCI). He  
371 proposed adding to the language, "or other reputable background check agency." The  
372 issue being that it's the understanding of the booting company that the background check  
373 could take up to four weeks through BCI and that would delay their hiring process.

374  
375

376 Chief Jensen responded that he contacted BCI about the time needed for a background  
377 check. BCI said there are two ways to complete a background check, one by mail and the  
378 other option is in person. By mail, it could take up to three days but probably more like  
379 two days. If needed immediately, the person can drive to BCI and it takes approximately  
380 20 minutes. It cannot be done by email. The background check completed by BCI is  
381 exactly what is required of tow truck drivers through State law.  
382

383 Councilmember Jensen said for the past 10 years, Cache Auto Booting has done criminal  
384 background checks with every person they hire and if there is a problem the person is not  
385 hired. They are using a company other than BCI.  
386

387 City Attorney Kymber Housley added that other background check agencies are still  
388 going to rely on BCI information so ultimately, that is the source.  
389

390 Councilmember Jensen said if BCI can provide the information in a timely manner then  
391 he does not have a problem with them being used for the background checks.  
392

393 Assistant City Attorney Craig Carlston added that the language in the proposed ordinance  
394 regarding background checks is the same language for tow truck drivers. He also said that  
395 we require door-to-door salesmen to get BCI background checks as well.  
396

397 Councilmember Jensen referred to Page 3 and the issue of fairness regarding insurance.  
398 He proposed the language that states, "Insurance requirements shall be equivalent and not  
399 exceed that required by Logan City of other private service who provides work on private  
400 property."  
401

402 Mr. Housley responded the booting is not a voluntary service and the idea of insurance  
403 can be justified.  
404

405 Chairman Olsen said a college student working for the booting company won't have  
406 business insurance and the person being booted will have a hard time collecting anything  
407 from this college student.  
408

409 Chief Jensen said the towing industry is required to have a \$750,000 to one million dollar  
410 policy and he didn't feel that was appropriate and proposed the amount of \$250,000.  
411

412 Councilmember Jensen said he checked with two insurance agencies regarding this issue  
413 and they both agreed that the auto policy that is required by the State would cover this  
414 issue. They also said general liability could be done but the quotes they gave him were  
415 quite different so he suggested that the insurance amount be further researched.  
416

417 Chairman Olsen stated that a personal auto policy applies to personal injury caused by the  
418 negligence of the driver of a vehicle and is not the same policy.  
419

420 Vice Chairman Daines said she would be willing on general liability insurance, to come  
421 down a little and leave the aggregate at \$250,000. She would like to see the young  
422 college students that are working for Cache Auto Booting, protected and have insurance.

423 Mr. Housley said it's also possible that Mr. Shaw could have an insurance package that  
424 covers everything.

425

426 Vice Chairman Daines also suggested that rather than making it a Class C Misdemeanor  
427 we extend the time to remove the boot in 90 minutes and if the booter cannot respond in  
428 90 minutes there is no charge to remove the boot so there is an economic incentive to  
429 remove the boot as soon as possible.

430

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

437

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

442

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

446

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

454

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

458

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

463

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

467

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

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

472

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

476

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

479

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

492

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

496

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

499

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

503

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

512

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

515

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

519  
520 Chairman Olsen opened the meeting to a public hearing.

521  
522 Lance Parker addressed the Council and suggested an alternate parking plan on city  
523 streets and by doing this he feels that winter parking permits can be eliminated. He said  
524 Logan City addresses are set up in such a way that even number streets are on one side  
525 and odd number streets are on the opposite side of the street. He suggested that a parking  
526 schedule could be done where on even numbered days of the month resident's park on  
527 one side of the street, etc. That way every night there is at least one side of the street that  
528 crews can plow the snow.

529  
530 Louise Brown addressed the Council and stated that she and her husband have owned a  
531 four-plex located at 215 North 100 East for 30 years. The building was constructed as a  
532 four-plex in the 1930's and in complete compliance with Logan City requirements at the  
533 time and has remained in compliance to this day. Her property was grandfathered due to  
534 narrow side yards which will not allow a car to the rear yard. When parking became a  
535 requirement, a four car site was added across the parking strip in front of the four-plex  
536 and at that time it was allowed. The parking remained for many years and accommodated  
537 the tenants without difficulty. Then a few years ago, the decision was made that park  
538 strips across the entire City needed to be reclaimed. At the time her park strip was  
539 removed, her property stayed in compliance and she was instructed by the City to buy  
540 alternate parking spots on the street each season and she has purchased those parking  
541 spots annually to stay in compliance with the City. Now, the City is talking about taking  
542 away the option of parking on the street. She said if on street parking is taken away; it  
543 will render her property useless as a rental site. She asked the Council to reconsider the  
544 options before them and if too many permits are being sold then look at those that really  
545 don't have alternate parking.

546  
547 Logan resident Joe Tennant addressed the Council and said as a matter of principle he  
548 does not think it's the City's job to maintain the value of rental properties.

549  
550 There were no further comments and Chairman Olsen closed the public hearing.

551 Councilmember Simmonds distributed a list of issues and potential solutions to winter  
552 parking and suggested the following:

- 553 • Keep winter parking permits at a similar cost for those residences and multifamily  
554 that qualify
- 555 • Align the process to tie the permit to an automobile license plate. This will help  
556 with over occupancy as well as enforcement
- 557 • Extend the winter parking from November 1 through April 30 (we have had very  
558 large snowstorms in April the past few years and beginning of the month is easier  
559 to remember than mid-month)
- 560 • Give warning tickets the first week of the season
- 561 • Increase the ticket fines progressively, perhaps ending in towing

- 562 • Prohibit on street overnight parking during the winter season on any collector or
- 563 arterial roadway to allow snowplowing of major roadways
- 564 • Define overnight as midnight to 6 a.m.
- 565 • Create a positive enforcement environment
- 566 • Work separately with the Campus Residential zoning district. This would apply to
- 567 everywhere else in the city
- 568 • Expand the daytime parking permit area in Adam's, as per Mike DeSimone's
- 569 suggestion

570  
571 Vice Chairman Daines said she isn't ready to exclude Campus Residential at this time.  
572 She feels for this year we should leave the regulations the same and continue to look at  
573 other options.

574  
575 Mayor Petersen suggested that we wait and see what Utah State University will do to  
576 help us with parking.

577  
578 Councilmember Simmonds said she would like to give some relief to the neighborhoods  
579 in the Campus area. She would also like the City to consider making parking available in  
580 the area between 100 and 200 North on 100 East (behind the Fire Station).

581  
582 Vice Chairman Daines asked how many permits are on the major arterial roads.

583  
584 Mr. DeSimone said he does not have a number of parking permits for the major arterial  
585 roads. The bulk of the permits are issued in the Adam's Neighborhood.

586  
587 Councilmember Needham said he supports the idea that we consider Louise Brown's  
588 situation and those like her who gave up their parking in good faith. He likes the idea of  
589 alternate street parking and he feels we have an obligation to those who have lost their  
590 park strips.

591  
592 Councilmember Simmonds said the suggestions she has made are only for winter  
593 parking. Parking in the summer months would be just the same as it is now.

594  
595 Chairman Olsen said people were using the City right-of-way for parking and did so for  
596 years. The City right-of-way was then taken away so the residents didn't give up the  
597 parking, the City reclaimed what it already owned.

598  
599 Vice Chairman Daines said when Mr. DeSimone originally brought this issue forward he  
600 presented two options. One option was to scale back the winter parking permit system  
601 and restrict its use for only those properties that had lost parking due to the park strip  
602 reclamation program. Also, consider an increase to the permit fees to help fund additional  
603 parking enforcement during the winter months. She is to the point where she would like  
604 to see the first option implemented and scale back the permits if the numbers are getting  
605 out of control. She suggested giving warning tickets for the first week and increasing our  
606 neighborhood parking. She would be willing to consider extending the dates for winter  
607 parking as mentioned by Councilmember Simmonds. She feels we need to keep Campus

608 Residential the same and not treat them differently than the rest of the City and see if  
609 USU is willing to help.  
610  
611 Councilmember Jensen said he likes the idea of scaling back but instead of increasing the  
612 cost of permits, he suggested increasing the cost of the ticket given to those violating the  
613 parking rules.  
614  
615 Councilmember Simmonds said we need to make it easier to enforce.  
616  
617 Logan Police Lt. Bret Randall addressed the Council and said a person comes to Utility  
618 Billing to get a residential permit, the permit is given to the person who lives there and  
619 they are required to include information on their vehicle. The permit itself is a hanging  
620 permit that hangs on the rear view mirror or there is a guest pass that is placed on the  
621 dashboard. The application has vehicle information on it but it's not entered into a  
622 computer and there is no tracking system. If they have a residential and overnight permit  
623 they have to rotate the two different permits depending on whether its day or night.  
624  
625 Councilmember Simmonds said her concern is that it's very hard to enforce the way  
626 things are now.  
627  
628 Mr. DeSimone said the original intent of the program was temporary to allow people  
629 enough time to find an alternative parking locations for their vehicles. He feels what the  
630 City realized after three years is that people are not going to find alternate parking and  
631 they rely on a pass to park in the street.  
632  
633 Chairman Olsen stated there are some properties that were built 80 years ago and parking  
634 was not considered at that time. There are some of these locations in the City where there  
635 are no parking options and we need to adjust and allow parking but he feels it should be a  
636 fair market value expense and he does not think \$200 for a permit is too much.  
637  
638 Mr. DeSimone said there has to be a link for what you are paying for a permit and how  
639 the City is going to use the funding. He feels the bigger question is does the City have the  
640 responsibility to provide parking for these property owners that don't have parking.  
641  
642 Chief Jensen added that the police department is meeting with a parking software  
643 company that has the capability of installing equipment in patrol cars to help with parking  
644 enforcement.  
645  
646 Chairman Olsen said the ultimate purpose of parking enforcement is to protect  
647 neighborhoods that are being over occupied and over parked which means more  
648 enforcement and a fee to help offset the enforcement costs.  
649  
650 Councilmember Simmonds suggested that landlords could come in and request the  
651 permits they are entitled to for their tenants. The tenants then come in and provide  
652 information and somehow this information is tied to a license plate.  
653

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

657  
658 Vice Chairman Daines asked if our software allows us to do a tiered increase in fines and  
659 can that be put into code.

660  
661 Mr. Housley responded there is the ability to do it that way. The police department  
662 already issues warnings at the beginning of the winter season before they issue tickets.

663  
664 Lt. Randall said they print off warning flyers and hand them out. He also said there is the  
665 ability to make a change to the software to allow a progressive ticketing process.

666  
667 Councilmember Simmonds proposed that winter parking permits remain at the same cost  
668 this year for qualifying residents. Then, extend the time period for winter parking from  
669 November through April 30, work toward the progressive fine and prohibit overnight  
670 parking in the winter on the collector and arterial roadways.

671  
672 Mr. Housley said if the Council wants to expand the timing of the winter parking rules  
673 that would be done by ordinance. He also added that the timing was reduced at one time  
674 and if we do get a snowstorm in the month of April, the snow will likely melt very  
675 quickly. He suggested the Council get input from Public Works regarding that issue. The  
676 Winter Parking Permit Program was passed by resolution in 2006 and he suggested that it  
677 be codified with an ordinance rather than by resolution.

678  
679 **ACTION.** Motion by Vice Chairman Daines seconded by Councilmember Needham to  
680 **continue the winter parking permit process this year and proposed to increase the**  
681 **fee to \$75 next year and continue to work on the issues** as presented. Motion amended  
682 by Councilmember Simmonds.

683  
684 **ACTION.** Motion by Councilmember Simmonds seconded by Councilmember Needham  
685 to **amend Vice Chairman Daines motion to continue the winter parking permit**  
686 **process this year and in two weeks the Council will review an ordinance drafted by**  
687 **staff** as presented. Motion carried unanimously.

688  
689 **PUBLIC HEARING - Budget Adjustment FY 2016-2017 appropriating: \$8,000 for**  
690 **a grant the Police Department was awarded from the Internet Crimes Against**  
691 **Children (ICAC) Task Force of Utah. These funds will be used to investigate,**  
692 **protect, and educate the community on child exploitation; \$4,380 funds the Police**  
693 **Department was awarded for bullet proof vest purchases this fiscal year; \$200,000**  
694 **for a grant the Parks & Recreation Department received from the Utah Department**  
695 **of Transportation (UDOT). These funds will be used for trail improvement from**  
696 **1500 East to the Bonneville Shoreline Trail; \$3,018 for a grant the Communications**  
697 **Center was awarded this fiscal year. These funds will be used for certification,**  
698 **training, and continuing medical education for the Communication Center -**  
699 **Resolution 16-53**

700

701 At the September 20, 2016 Council meeting, Finance Director Richard Anderson  
702 addressed the Council regarding the proposed budget adjustments.

703  
704 Chairman Olsen opened the meeting to a public hearing.

705  
706 There were no comments and Chairman Olsen closed the public hearing.

707  
708 **ACTION.** Motion by Councilmember Jensen seconded by Councilmember Simmonds to  
709 **approve Resolution 16-53** as presented. Motion carried unanimously.

710  
711 **Consideration of a proposed request by Ashbury Court Phase 3 for the City of**  
712 **Logan to accept their private infrastructure – Resolution 16-54**

713  
714 At the September 20, 2016 Council meeting, Public Works Director Mark Nielsen  
715 addressed the Council regarding the proposed request by Ashbury Court. He received a  
716 letter requesting that the City consider accepting private infrastructure in the Ashbury  
717 Court 2 Subdivision. Based on this request, the Public Works Department has analyzed  
718 the existing private infrastructure to determine what measures would be required to bring  
719 it up to current City standards. The letter requesting the City accept the infrastructure  
720 only specifies the roads and does not include all private infrastructures. After  
721 conversation with Derek Salisbury who is making the request, he indicated that all private  
722 infrastructures should also be included. The private infrastructure in Ashbury Court 2  
723 includes streets, sewer lines, curb and gutter, sidewalk, storm drain and detention basin.

724  
725 Mr. Nielsen stated that this subdivision has much of the infrastructure installed to City  
726 standards and the biggest impact will be bringing streets up to City standards. Public  
727 Works recommended that the Council not accept the infrastructure. Short cuts were made  
728 to maximize the number of homes within this subdivision which creates the issues  
729 associated with bringing the streets up to current standards.

730  
731 Mr. Nielsen said the right-of-way would need to be widened, not necessarily the road.  
732 This subdivision has CC&R's that list the requirements and these are given to the  
733 property owners and they should know what the requirements are before they buy  
734 property in the area.

735  
736 At tonight's Council meeting, Public Works Director Mark Nielsen commented there  
737 were conflicting documents recorded on private infrastructure. The resolution was  
738 originally presented to include sewer, collection lines and storm drain collection lines and  
739 those are public utilities, they are not private. The only two items being requested are  
740 streets and open space and they are included in the revised resolution that was distributed  
741 to the Council. His recommendation remains the same that the Council does not approve  
742 the resolution.

743  
744 Chairman Olsen opened the meeting to a public hearing.

745  
746 HOA spokesperson Derek Salisbury addressed the Council. He stated when he moved to  
747 the Ashbury Subdivision he understood that it was private and was under the impression

748 by the developer that at that point when the HOA took it over they could do what they  
749 wanted. He feels the HOA can maintain the sidewalk but his concern is future residents  
750 who come into the HOA. He requested the Council consider approving the resolution.

751

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

753

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

756

757 **WORKSHOP ITEM:**

758 **Budget Adjustment FY 2016-2017 appropriating: \$49,391 to account for the cost of a**  
759 **change in benefit plans; \$15,635 for a Logan City Healthy Living Grant from Bear**  
760 **River Health for signage; \$17,279 for a grant the Logan Library was awarded from**  
761 **the State of Utah. The funds will be used to buy a self checkout machine for citizens**  
762 **to use - Resolution 16-56 – Richard Anderson, Finance Director**

763

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

766

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

769

770 **OTHER CONSIDERATIONS:**

771

772 **ADJOURNED to meeting of the Logan Redevelopment Agency**

773

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

776

777 **WORKSHOP ITEMS:**

778

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

781

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

788

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

791

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

795  
796 Economic Development Director Kirk Jensen addressed the Council regarding the  
797 proposed resolution. He stated the Bear River Association of Governments' First Time  
798 Home Buyer Program helps make the dream of owning a first home a reality for those  
799 families and individuals living in the Bear River Region. This program provides valuable  
800 education for the first time home buyer and funding for closing costs or down payment  
801 assistance for their first home. The intent of the program is to provide up to \$2,000 in  
802 closing costs or down payment assistance for first time home buyers with a yearly  
803 combined income equal to or less than 80 percent of the County's median family income.  
804 Assistance is provided as a zero interest, deferred loan, and applicants are required to  
805 participate in a Homebuyer Education Workshop offered by Utah State.

806  
807 The Economic Development Committee has reviewed the requested assistance and  
808 recommended approval that the Agency approve a grant from the Agency's Affordable  
809 Housing Funds, in an amount not to exceed \$10,000, to provide funding for BRAG's  
810 sponsorship of USU's Home Ownership Workshop.

811  
812 The proposed resolution will be an action item and public hearing at the October 18, 2016  
813 Council meeting.

814  
815 **ADJOURNED.** There being no further business to come before the Council, the meeting  
816 of the Logan Municipal Council adjourned at 8:20p.m.

817

818

819

820

821 Teresa Harris, City Recorder