

Meridian City Council Work Session

June 22, 2021.

A Meeting of the Meridian City Council was called to order at 4:39 p.m., Tuesday, June 22, 2021, by Mayor Robert Simison.

Members Present: Robert Simison, Luke Cavener, Treg Bernt, Jessica Perreault, Liz Strader and Brad Hoaglund.

Members Absent: Joe Borton.

Also present: Adrienne Weatherly, Cameron Arial, Warren Stewart, Emily Kane, Brandon Frasier Jamie Leslie, Joe Bongiorno and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input type="checkbox"/> Joe Borton
<input checked="" type="checkbox"/> Brad Hoaglund	<input checked="" type="checkbox"/> Treg Bernt
<input checked="" type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener (4:48 p.m.)
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is June 22nd, 2021, at 4:39 p.m. We will begin this afternoon's Council work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item is adoption of the agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: It's my pleasure to make a motion to adopt the agenda as published.

Hoaglund: Second the motion.

Simison: I have a motion and a second to adopt the agenda as published. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the June 8, 2021 City Council Work Session**
- 2. Approve Minutes of the June 15, 2021 City Council Special Meeting**

3. **Dovetail Subdivision Sanitary Sewer and Water Main Easement No. 1**
4. **Hill's Century Farm North No. 1 Full Release of Sanitary Sewer and Water Main Easement**
5. **Hill's Century Farm North No. 1 Sanitary Sewer and Water Main Easement No. 1**
6. **Utility Easement for Pressure Reducing Valve**
7. **Final Plat for Aegean Estates No. 3 (FP-2021-0031) by Engineering Solutions, LLP, Located at 4306 N. McDermott Rd.**
8. **Final Plat for Oaks North Subdivision No. 10 (FP-2021-0035) by Toll Southwest, LLC, Generally Located at 6180 W. McMillan Rd.**
9. **Approval of Award of Bid and Construction Contract Between City of Meridian and Treasure Valley Drilling, LLC for Well 9B Construction for the Not-to-Exceed Amount of \$454,051.00 and Authorize Procurement Manager to Sign Purchase Order for the Not-to-Exceed Amount of \$454,051.00**

Simison: I didn't know if we were adopting the agenda or -- yeah. Next item is our Consent Agenda.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt the agenda as published, for the Mayor to sign and for the Clerk to attest.

Hoaglun: Second the motion.

Simison: I have a motion and a second to approve the Consent Agenda. Is there any discussion on the motion? If not, all in favor signify by saying aye. Opposed nay. The ayes have it. The Consent Agenda is adopted.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

Simison: There were no items moved from the Consent Agenda.

DEPARTMENT / COMMISSION REPORTS [Action Item]

10. Community Development: Fiscal Year 2021 Budget Amendment in the Amount of \$35,963.00 for Reclass of Administrative Assistant to Economic Development Business Liaison

Simison: So, we will move onto Item 10, which is Department/Commission Reports and first up is our Community Development fiscal year 2021 budget amendment in the amount of 35,963 dollars. I will turn this over to Mr. Arial.

Arial: Mr. Mayor, Members of the Council, really excited to be with you right now, particularly with this budget amendment in front of you for your consideration. This represents a big step forward in our economic development program and we are excited for what this means and the service that we can bring now to support our -- our business community. So, with that, just to be brief, this 36,000, roughly, represents the money necessary to elevate our currently approved admin position that is vacant, into a -- reclass it into an economic business liaison position. So, really, the purpose is to start to advance some of our Comprehensive Plan, strategic plan, economic development plan initiatives around supporting our small businesses at a higher level and we are -- we are really excited about adding these services and as you all know, it's been a trying time for our economic development division, a division of one, Tori, especially through COVID and some of those things. But, again, just coming out on top and kept swinging and really moving our -- the economy of our city forward and this is just a great advancement towards our goals in this direction. So, with that I will stand for any questions, Mr. Mayor and Council, and look forward to your thoughts and discussion.

Simison: Thank you, Cameron. Council, any questions?

Bernt: Much needed.

Simison: With that do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adopt -- or approve Item 10, fiscal year 2021 budget amendment in the amount of 35,963 dollars for reclass of administrative assistant to economic development business liaison.

Perreault: Second.

Simison: I have a motion and a second to approve the budget amendment. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, absent; Cavener, absent; Bernt, yea; Perreault, yea; Hoaglun, yea; Strader, yea.

Simison: All ayes. Motion carried and the item is agreed to. Thank you.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

11. Police Department: Fiscal Year 2021 Budget Amendment in the Amount of \$4000.00 for Dairy Days Parade Traffic Control

Simison: Next up is Item 11, which is the Police Department Fiscal Year 2021 Budget Amendment in the amount of 4,000 dollars for Dairy Days. Turn this over to Mr. Leslie.

Leslie: I think so.

Simison: Okay.

Leslie: This is what was in front of us a couple of weeks ago when the Dairy Board came in and discussed the issues we were having with traffic control and -- and the additional resources that they are utilizing, instead of volunteers. So, this is to amend our current budget of 5,000 to 9,000. So, we are asking for 4,000 so we can be able to handle the parade and move forward.

Simison: Thank you. Council, any questions?

Bernt: I don't think now would be the appropriate time to say no.

Simison: Okay. Then, with that, do I have a motion?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I move approval of the police department's fiscal year 2021 budget amendment in the amount of 4,000 dollars for Dairy Days parade traffic control.

Strader: Second.

Simison: I have a motion and a second to approve the budget amendment. Is there any discussion? If not, Clerk will call the roll.

Roll call: Borton, absent; Cavener, absent; Bernt, yea; Perreault, yea; Hoaglund, yea; Strader, yea.

Simison: All ayes. Motion carried and the amendment is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

12. Police Department Report: Proposed Off-Highway Vehicle Ordinance

Simison: Our next item up is a police department report regarding proposed off highway vehicle ordinance. Let's turn this over to Officer Frasier.

Frasier: Good afternoon, Mr. Mayor, Council Members. Thank you. It's a pleasure to be here this afternoon to further the discussion of the ATV, UTV ordinance the Transportation Commission has been working on now for the better part of a year. When I first brought this issue to the Transportation Commission we were in a little bit different landscape statutorily. There has been some development in this area in the last legislative session at the Idaho State House, but, really, the same question remains and that is what, if anything, is the city going to do differently to address these vehicles on a roadway. The police department sees an uptick in the number of golf carts, ATVs, and UTVs operated upon the roadway. Sometimes this is in blatant violation of the law. Vehicles driven by juveniles that don't have a driver's license, things of that nature. And prior to the last legislative session there were some real gray areas of the law also and our officers had to really take a lot of time to educate the public on those matters. With respect to golf carts we have a city ordinance that prohibits them anywhere except for the Lakeview golf course area and we do see a huge uptick in residents in many other subdivisions -- some of those even that have golf courses now -- riding their golf carts within their subdivision, thinking that they are in compliance with the law or I have been told that the golf cart salesman said that it was legal to operate on the roadway, so it must be. So, it was a time to look at that golf cart ordinance to see if it still reflects the stance of our city as a whole and, then, try to address some of the safety issues and other legal issues that we saw with regard to ATV and UTV operation. Prior to the last legislative session state law already prohibited the usage of ATVs and UTVs on most roads in Meridian. It left open the usage of ATVs and UTVs on local roads and in the last legislative session House Bill 129 changed that. When that statute is effective ATVs would be allowed on all roadways within Idaho, unless a local authority makes an ordinance or some type of ruling otherwise. So, that's the second part of this question is what do we want to do with ATVs and UTVs and what do we want to do with golf carts as a whole as they pertain to quality of life and safety issues within the community. The police department does get complaints from citizens who see ATVs or UTVs or golf carts on the roadway. They call us, because they don't want to see them. They don't think they are legal. We also have a fair number of people who want to be able to operate ATVs and UTVs the same as they would a motor vehicle. We have people who try very hard to come in compliance with every area of the law that they can think of. I have talked to folks that have put DOT certified tires on their UTVs and horns and turn signals and mirrors and all sorts of stuff in a good faith effort to be as legal as they can be on the street and, then, of course, we also talk to people that are scofflaws, essentially, and don't make any attempt to be in compliance with the law. So, it is kind of a big question. When I brought this before the Transportation Commission I was seeking clarity for the police department on what the city wanted to do reference these issues, so that we can tell our officers how we can educate the public on the matter and take enforcement action when necessary. I know Ms. Kane is here. She may have just some discussion for the legal aspect and I will stand for any questions if you have any right now before she speaks, if she is going to.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Officer Frasier, just -- just so that we can provide clarity to those who might be watching and paying attention, can you define the difference between an arterial collector or a local road?

Frasier: So, those designations are officially made by the Ada County Highway District. The easiest way to think about it is a local road is a street that goes from a house or a driveway to a bigger more major road, like a collector street. So, if you are talking about a subdivision, the road that feeds into the subdivision that all the main traffic turns into generally would be a collector street. The street that feeds that street would be an arterial or major street, like a Linder, Chinden, Ten Mile -- Chinden is a bad example, because it's a state highway. But you get my point. The local road, essentially, goes off of the arterial street to houses. If you are operating only on -- upon a local roadway you are essentially by default going to stay within the subdivision. We are talking about roads that go to golf cart -- golf courses, other houses, community pools, clubhouses and things of that nature. You would reasonably be unable in almost every case to get out of the subdivision to travel upon a bigger roadway.

Bernt: Perfect.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I was thinking along the same lines as -- as Council President Bernt as to whether or not the public would understand the difference and do we clarify that in the ordinance. Do we have some definitions for what highway means? When I first read this it was a little confusing, because, of course, when you say highway you think Interstate; right? Not local roads. So, wondering if -- if -- from a textual standpoint if we can make some more clarification in that ordinance for that. And, then, also is there an element of the vehicle needing to be able to meet the speed limit. So, you know, assuming a golf cart is not going to be able to get up to a certain mile per hour and from a safety standpoint do we differentiate say a UTV and RTV, which is, you know, significantly faster from a golf cart, do we make that kind of separation in the type of vehicle in this or is the -- is the anticipation of the Transportation Committee to lump them all into one and, essentially, make the same ordinance for every type of vehicle?

Frasier: I think the Transportation Commission tried to move as efficiently as possible and perhaps there is room for a little bit more clarity on the differences between local, collector, and arterial streets. I know Ms. Kane and I talked about that. We talked about it at a subcommittee level. When you start trying to explain that it almost becomes more complicating than leaving it as is. It's a very difficult thing to describe, other than to refer to Ada County Highway District's master list where you can easily tell what street is a

local, arterial, or collector roadway. I think from an enforcement standpoint we are not going to get deep in the weeds over a citizen's misunderstanding of local versus arterial. If a police officer would have a hard time differentiating, we would certainly expect a community member would be, but as I said earlier, the easiest way to think about it is stay in your subdivision and you are almost always going to be fine. The golf carts speed limit issue, perhaps there is room for discussion there. Golf carts generally don't travel any faster than 15 miles an hour. UTV and ATV obviously they can go a lot faster. However, the speed limit on every local road that I can think of is 25. Fifteen miles an hour in the case of a golf cart doesn't really create a safety hazard there, as it would on a street where the speed limit is 35 or higher. I think out of the spirit of moving efficiently, the Transportation Commission opted to repeal and replace the existing golf cart ordinance and loop ATVs and UTVs in as an effort for clarity even though it does leave a couple things potentially not so clear.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Can you help us understand the -- the fine amount and how that came to be. The 25 dollar fine. What -- what was it prior to this and is that sufficiently -- I mean I personally, you know, wouldn't think that would be that prohibitive for people. I would think a higher fine would and -- then, of course, obviously, the police department's great about giving warnings if it's clear the person -- that the individual did not understand that there was an ordinance. But the second time around I would think that a fine higher than that would -- would make a lot more sense. I'm not sure if there was a specific reason that that fine amount was chosen.

Frasier: I would agree that's a fairly low fine, 25 dollars. I'm not sure where that number came from. It may have just been a holdover from the fine of the current golf cart ordinance. But I know there was an effort on behalf of the Transportation Commission, after hearing public input, they didn't want to take actions that would be construed as overly punitive or money making in this endeavor to regulate ATVs or UTVs. I'm also of similar mindset. A higher fine may be in order in a situation where a citation would be warranted. Across the board when we look at similar violations in city ordinance, the fine amounts are not overly high. Parking comes to mind. Texting and driving was a little bit different thing when that ordinance was in play. But it also kind of is in line with the fee schedule for other things at a city ordinance.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Officer Frasier. I will just be really open. I -- I watched the Transportation Commission meetings. I have read all the materials. I'm really struggling on this concept. I'm not convinced there is a huge problem and I'm also concerned that the problem statement that underlies the need for this ordinance is shifting around a little

bit. In some of the Transportation Commission meetings it was said that Commissioner Smith said that these vehicles are inherently unsafe and that the real issue is people are not following the existing laws, which to me sort of begged the question. Are we not enforcing existing laws and do we have some data behind the number of crashes in Meridian involving UTVs and golf carts that would sort of justify the need for this ordinance.

Frasier: Thank you. I do remember that comment in that meeting. One could make an argument that perhaps an ATV or UTV is unsafe. Is it any more unsafe than any other roadworthy vehicle? That's certainly worth discussion and in some cases they are, some cases they are not. We don't -- the -- the purpose that was issued to the Transportation Commission by the police department was at the time, prior to the passage of House Bill 129, the state statute in effect at that time was very difficult to explain to people to make them understand that their actions were unlawful under state code. Really, it took an experienced officer who had to compile multiple pieces of state statute to explain why that activity was not legal and oftentimes people thought it was legal. We didn't issue a lot of citations for that, because it was an educational piece. There is a lot of people who genuinely didn't know it was illegal at the time. With regard to crashes, we don't have a statistical bombshell, if you will, to indicate that we have all these crashes involving ATVs and UTVs. My standpoint was at the time and has been since then that it's more of a quality of life issue regarding people in subdivisions calling and saying my neighbor is riding their UTV up and down the street. I don't like it. Do something about it. At the time there were times when the activity was unlawful, there was times when it wasn't, but having that discussion and having a clear and concise ordinance or direction from the city to point our citizens to and our law enforcement officers, it was difficult to have those discussions. That changed with the passage of HB 129. We are in a different place now. I think the -- what's left is for the city to come to a consensus about how we want to treat these vehicles and make changes to our existing golf cart ordinance.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah, I appreciate what you are saying about, you know, there was a change in state law and so that -- that also to me sort of begged the question of, you know, are -- I don't want to simplify it by saying are we a solution looking for a problem, but it occurred to me that, you know, if under state law it's legal to have these vehicles and specific to Meridian we make it illegal on certain roadways to have these vehicles operating, it just seems like it's creating a little bit of a quagmire, instead of maybe advocating for a solution at the state level. So, I -- I get what you are saying. I guess I'm concerned about legislating about quality of life issues when, in my opinion, just as a layman, when we have motorcycles -- and I think there was a gentleman that testified about this, you know, you can have a Harley going by at any time that's quite loud and so why are we picking on certain vehicles and not others. So, I don't know, I'm just -- I know you are looking for clarity from us, but I guess I'm struggling a little bit.

Perreault: Mr. Mayor?

Simison: Just to kind of follow up on that question, officer, can you explain the difference between licensing a motorcycle versus licensing an ATV, UTV? Just leaving golf carts out of it. Just so we understand what is required to drive one of those vehicles differently on our roads.

Frasier: Sure. A motorcycle can be registered a couple of different ways, depending on what type of equipment it has on it and the size of the motorcycle. Generally, you know, if we think about Harley's versus an all out dirt bike, an all out dirt bike is not able to be licensed for use upon a road like a Harley would be. However, you can get a restricted use license plate for that dirt bike. That's the same license plate you could get for an ATV or UTV and that is the license plate that falls into the category of off highway vehicle usage, which brings us to this discussion. There are motorcycles out there that might start out as a dirt bike, but you can make changes to them to make them roadworthy and, then, you can get a red and white motorcycle license plate, just like you would for the Harley and, then, you are good to go, same as a Harley. At the state level there is no remedy to be able to buy a red and white license plate for your ATV or UTV and, hence, the lack of clarity at the state level. So, even if you wanted to, the best you could do on an ATV or UTV is to get a restricted use license plate that falls into the category we are talking about and it doesn't openly -- or didn't openly allow you to drive that vehicle on the roadway, the same as you would like a street motorcycle or the Harley.

Simison: Thank you. Council Woman Perreault.

Perreault: Thank you. And I appreciate that. So, in -- in -- on that subject, if an ordinance is not passed, if we choose to leave it as it is, how does the enforcement work on your side if -- just by -- based on the licensing does it give it -- does it allow you to enforce speed limits and -- you know, my -- my thought is -- and I see -- I am seeing more of these vehicles on the road myself -- is that they tend to -- the same with dirt bikes, they tend to cut around traffic, they drive on the shoulders, they go quickly in subdivisions where there is children playing. There is a variety of behaviors that happen just because it's a smaller size of vehicle and, then, we oftentimes have 16 -- you know, 15, 16 year olds that are driving them. So, I think the type of vehicle does lend to a different driving style and challenge than a regular car or truck would. What can you enforce if there isn't an ordinance?

Frasier: So, any motor vehicle on the roadway, the driver of the motor vehicle has to have a valid driver's license. The vehicle has to have some level of registration to operate upon the roadway. A restricted use license plate under Idaho statute -- under the new house bill does allow you to operate it upon the roadway and you have to have liability insurance. If all those things are in place, then, it becomes the same as a car would. You have got to follow the speed limit. You have to signal turns. You have to have -- the amount of equipment you would have to have on it is open for discussion, but at a basic level you need some type of way to signal your turns. You need a brake light. You need a mirror and a horn. If you have all of those things you have to follow the rules of the road, the

speed limits and all of those things. Essentially, we would be pulling over those vehicles for violations -- the same violations we would be pulling over a car for and we do see those -- we have seen those in history and we take enforcement action at that time. The -- the overarching concept of clarity, since it's come up -- I'm not -- or I should say I will freely admit that we received a bit of clarity since this endeavor began and the clarity that I'm looking for is not necessarily advocating one way or the other what we do as a law enforcement professional who oversees the traffic control -- or the traffic enforcement team for the department, that clarity is telling my team this is what the city wants to do. Whatever the answer is. And, then, we have that answer. I made it very clear to the Transportation Commission I was advocating for an answer at the city level, not necessarily going down one avenue or another. At that time the landscape was much less clear, but that quest for an answer on the concept from the city is the same.

Simison: And I will give my unsolicited advice. Trying to educate the community about all those requirements -- when someone sees a UTV going down the road, people are going to say, well, I got one of those, I can go down the road, too. I mean that's -- that's the reality of the situation. If we -- if we -- if we allow them to freely go on arterials and that's -- that's my viewpoint. I think they are going to spend a lot more time trying to educate a lot more people about all the reasons why they can't, as compared to the few who might understand how they can. That's my two cents. Because I think those that really want to do it will follow -- will do what they can to follow the law. There is going to be everyone else who doesn't understand the law at all. They are not going to see the license plate. They are not going to see a thing. They are just going to go hop on the road and drive down the road, in my opinion. I think that's human nature.

Bernt: Mr. Major?

Simison: Councilman Bernt.

Bernt: So, I was down to the Capitol this last legislative session when they were discussing this bill and the gentleman from Donnelly who proposed this legislation had concerns about UTVs and such, you know, in their -- in their small towns up in the mountains and I totally get that and I don't have any problems with the means in which they -- you know, folks who are visiting and live there use UTVs, but I think the reason why the state legislature -- the state legislature decided to give autonomy to locals was because of this reason. I don't think it's appropriate personally to have ATVs or UTVs driving down our roads -- our arterial or collector roads. In fact, I saw two weeks ago an ATV -- a gentleman on an ATV that was on the intersection of Franklin and Locust Grove and it just -- it just -- it just didn't seem right. You know, looking over and seeing this gentleman with -- had no protection, no helmet, is revving up at that intersection right next to the other cars and I don't mind that these UTVs or golf carts are used on local streets. There is a lot of people in our neighborhood that do. I have never seen a problem and I think that it's important to allow these types of uses, especially when there are golf courses in the subdivisions and so I'm in support of -- of this -- of this ordinance. We have to do something, because right now I believe this law may go into effect July 1, if it wasn't an emergency type order from the governor. I'm not sure if it's law currently, but if it's not

it will be soon and it's an extreme safety hazard, in my opinion, to see these type of uses on -- on our busy streets.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Maybe just to give us something to chew on, maybe just a little bit of an opposing opinion or different opinion. So, I would think as an owner of an ATV or UTV that safety for yourself would already be a limiting factor of what roads you would go on; right? There is a natural consequence for making a bad decision about it. People can make decisions, like -- right? I mean I -- I could make a decision whether or not to go on a -- on a collector road or an arterial road with a UTV pretty easily by the natural consequences that could happen for me taking a vehicle that is inherently less safe on those roads. But I guess I would just say how would you, you know, compare that to -- to a motorcycle -- and a motorcyclist may not be wearing a helmet and we have bicyclists in the -- in the roadway all the time that may or may not have a helmet. I guess I'm just concerned that it -- maybe it's a comfort level with what we are used to seeing and I might go the other way of, okay, state law takes effect and can we see the data and if we have a huge amount of crashes or a huge amount of data that shows us we have a major problem that I -- then at that point I would lean toward making a change personally. Anyway, that's enough for me.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Sergeant Frasier, I wanted to ask you -- you talked about operating these vehicles within the confines of a subdivision and that -- and that makes sense to keep them with -- within that area, but we are -- I struggle a little bit on that, because of the fact that in our subdivision we have an east-west arterial and there is a street that connects and it's a collector and, then, it goes out and around and connects to a north-south arterial. Well, it's the spine for the subdivision and all these, you know, circular areas are in and out, you know -- you know, a couple of entrances for fire protection, whatnot, but, you know, if you -- if you want to go from this particular area to this particular area, you have to go on that collector and so -- and I don't have an issue with them, because it is within the confines of the -- it's 25 miles an hour. You see people are working on their stuff, they go out and test drive it, go back, but if someone has a real issue with it -- if we say it's prohibited on a collector street and there was a complaint and, then, you have to enforce the law, so I'm like, hum, you know, how to -- but, yet, to do any sort of -- within the subdivision going from their house to the pool, you know, the community pool there, they are -- they are in violation that way. So, it's just trying to find that -- that -- that happy medium, but -- because, you know, people will complain. Most people aren't going to complain about it. Although Sunday we are out on the patio having a Father's Day dinner with my folks and an ATV goes up the collector street going 25 miles hour, but they didn't have much of a muffler on there, if any. I mean it interrupts your conversation and we are a good distance away from that collector street. So, that's a -- that's a whole other issue

with noise of some of these vehicles that we are seeing out on our streets. But that collector street issue just gives me pause on certain areas. It's part of that subdivision to a way that there is no way to get around that, to go any place. So, just -- just your thoughts on how -- how do you handle enforcement with that.

Frasier: Sure. I totally understand that. I know the TC spent some time discussing -- discussing different options. Obviously, the easiest way to enforce that -- or the easiest is to say you can't drive them anywhere. Absent that, anytime you start allowing exceptions to that it becomes very difficult, because there is always something -- as you said -- I understand that completely and there is certainly logic to that statement. You are still in the subdivision, it's still a 25 mile an hour road and the person might not even know it's a collector street anyway. I think in that situation enforcement -- or a police presence in that situation has more to do with education and public service. We are not looking to write a bunch of tickets for this, but it does help address some of the issues that you have -- you have highlighted. The TC discussed having an exception to be able to operate a ATV or UTV within a section mile, which would basically allow you to stay in the arterial box of the subdivision that you live in, but even that was problematic, because what do you tie that to? Do you tie it to the registered owner? Do you tie it to the driver? Do you tie it to whatever house it originated from? So, there is always something. It's very difficult to craft an ordinance that is perfect in every way when you are talking about restricting the use of a vehicle like that.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: So, along those lines, did the Transportation Commission discuss limitation on streets that had a speed limit -- so, could we say they are not permitted on streets that are higher than a 25 an hour -- mile an hour speed limit, does that then -- now we are not talking about definitions of collector and arterial, but we are addressing safety challenges that might be created? Does that also come with an equal amount of difficulties with exceptions?

Frasier: I would say that's a lot easier to explain to a citizen and to observe. That was an idea I proposed at the TC. Didn't really go that direction, because it is very clear, if it's 25 and under you can operate on that road. If it's higher, then, you can't. The only other thing that adds with is -- it would open up, you know, streets like Pine in the downtown corridor would be open ATV, UTV usage. Some collector streets would be. Again, that's not a decision I'm endeavoring to make as part of the overall mission for the city to decide what, if anything, the police department -- what type of action we should take about these things.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Good questions from my -- my colleagues and a lot of what was touched on by the Transportation Commission. Sergeant Frasier, I'm sorry, I was delayed from your presentation. I appreciate you being here and I'm sorry I only caught a portion of it, so if you touched on this, again, my apologies. And I think Council the big question I think that we need to ask ourselves -- and it's what I'm going to ask you, Sergeant Frasier, what is the -- what is the problem that we are trying to fix? I recognize we have got some logistical issues as a result of the legislature, but is the intention of -- of this proposed ordinance to solve a -- as Council Member Hoaglund pointed out -- a noise issue or is it really a public safety issue and if it's a public safety issue, which is what I -- what I assume it is, I need some greater clarification about how these UTVs and ATVs pose a greater public health or safety threat than other motorized vehicles that are on our streets. So, can you help me understand that? What's the problem? What's really the problem that we are trying to solve and what do these pose that are different than other vehicles that are registered, licensed and insured as well?

Frasier: And that's been a common -- common question or theme is what is the problem. The problem is now two prong. One of them is we have an ordinance that prohibits the usage of golf carts anywhere in the city, except for one square mile, essentially. We have golf carts being driven all over the city. The problem there is what action would the city like to take? Does the city want the police department to write all those people tickets because they are in violation of that ordinance or do we want to change the ordinance as it pertains to golf carts to some degree, because we have more than one golf course -- golf course in the city now and people driving those golf carts to community pools, which weren't really a thing back in 1994 when this ordinance was first written. The problem as it pertains to ATV and UTV usage, again, has changed since the passage of -- passage of HB 129. Whereas before a police officer couldn't effectively explain to a person what was legal and what was not and we had a conglomeration of quality of life issues complaints on both sides of the fence. Citizens who demand we take action against ATV and UTV riders for riding in their subdivision or riding down Eagle Road to get gas or using it the same as a vehicle. We did not have a clear path forward in what the city's expectations were. So, really, part of that is it was time for a revisit of this is what we are seeing, this is what we have been doing, is that what we want to continue to do. If the Council wishes to take no action on the ordinance that is the answer to my question. I can't stress that enough. Because it answers the question for the police department. This is what the city wants us to do about these issues we are seeing. With respect to public safety, I think most people make the argument that an ATV or UTV would be less safe to operate than a car or a pickup truck. As Council Woman Strader brought up, is it any less safe than a motorcyclist without a helmet or a bicyclist? Yes or no. It depends on the situation and you would be hard pressed to find a steadfast reason to take action on an ordinance like this based solely on public safety. I can't point to a list of crashes and say we have people dropping left and right from crashing these vehicles. If we are going off public safety, then, we should probably adopt an ordinance that outlawed cars, because those things are crashing all the time; right? So, it's the conglomeration of many things, with the ultimate question posed to the Council of what do you want the police department to do.

Simison: And I don't know if this is you or Emily or -- or somebody else, but what about -- if an accident does occur -- I mean these are unlicensed vehicles, not -- you know, ATV. They are not -- they are not licensed, they are not registered. Do they carry insurance?

Frasier: They can.

Simison: I mean that's -- is that -- are those requirements -- again, those are some of the underlying things what -- what would occur in an accident from that standpoint. Even the expectations if we do nothing. We say -- we have no -- no requirements, we just let everyone go, accident occurs, what is the -- you know, if I get hit or I hit somebody, what's the recourse? All the property insurance?

Frasier: We would treat that ATV or UTV in that hypothetical, the same as a car. You have to have some level of registration. Under HB 129 a restricted use license plate would allow you to operate in that situation. You would have to have liability insurance and the operator would have to have a driver's license. So long as all that is -- is in effect in a crash it's essentially no different than a car.

Simison: So, you can get -- you can get insurance through -- for that for roadways?

Frasier: Yeah.

Simison: Any -- any other way. I guess I go back to my question. I think -- I think -- people -- I don't think the public is going to know the difference. So, that's really what we are coming -- if the people are not aware of how to make it legal and you get into an accident, what -- what -- what, then, occurs? Is it just like an unlicensed driver situation where it now falls upon me to deal with the ramifications of that because they didn't have insurance?

Frasier: Yeah. Assuming the crash was deemed to be the fault of the ATV or UTV it would be a civil issue. The person would get a ticket for not having insurance, then, anything else would apply the same as a car. And in my experience it's a split bag. There is a lot of folks out there, myself included, I have a UTV, it's got full insurance, it's registered, I'm a licensed driver. There is just as many more people in my experience that have none of those things, but they still expect the same level of legality simply by getting a restricted use plate. So, you can't use a big brushstroke and label everybody the same, because there is a lot of people out there doing all of those things in as much as they can. They have turned their UTV into -- as close to a car as they can get it and, then, there is people that make no attempt at all.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: Just -- I want to make sure I'm understanding for clarification. So, currently the UTVs, ATVs are required to be licensed and carry insurance or they are not?

Frasier: They are not if they are not operated on a qualifying roadway.

Perreault: Okay.

Frasier: So, if you want to operate it on a street in your subdivision you would have to have all those things. If you are riding it on private property or some locations of BLM land, you know, forest service roads do require at least a restricted license plate. There are some provisions there. But there are situations where it is legal to operate a UTV without registration, insurance, or driver's license.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I mean would an education campaign on existing law possibly solve some of the problem; right? I mean if you want to operate your UTV or ATV in the roadway, it sounds like you have to have a driver's license. The vehicle needs to be insured and you have to follow the exact same laws as everybody else. So, I guess I'm just wondering if -- if an education campaign, you know, on -- on that topic and enforcing existing law helps get us part of the way there. And, then, I guess separately it does sound like we have to make some sort of a change to our golf cart ordinance, just because we have golf carts and it's not updated at all. I guess I'm just wondering if -- if enforcing existing law -- and maybe the state law changing just makes it much more clear that these are -- these are the guidelines. If a 16 year old crashes an unlicensed UTV that's in violation of the law; right?

Frasier: Right. I think an educational campaign does get you part of the way there, assuming the City Council as a whole decides no action is taken and they want to rely on what is or will be state law under HB 129. It does leave the golf cart issue as you stated, though.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, I think one the things that I keep hearing all of you that -- and I can understand this from a lay person's perspective, like my own, it's really the public's understanding of what they can or cannot do. Now, would it make more sense, Sergeant Frasier, to either -- prohibit them on an arterial, because that's clearly by far the most dangerous place to have these types of vehicles or could be the most dangerous for them, like a Fairview, Eagle Road, like that. So, arterial, state highways, or on -- on any road that has more than two lanes of travel, because if you have -- you know, then -- then I can understand that. If I'm a person, I read the ordinance and it says

any road that's either -- if there is a -- if there is a delineation by speed limit, so if it -- if it has a speed limit above 25, that is normally on a collector, not on a neighbor -- or local street, or it has more than two lanes of travel, maybe excluding the turn lane, so you are going to have some streets -- like I can think of -- like in Council Member Hoaglund's subdivision area, they are pretty wide streets, they are not striped. So, there are really only two lanes of travel like that. But that might be easier. Would that get the police a comfort level, because, then, driving that -- like through Bridgetower, crossing that -- that main roadway or driving on the edge of that main roadway to the pool isn't the problem that you are trying to address anyway, it's the more -- if they were to get on Ten Mile or they are going out on Linder or something like that where there is a lot more traffic and a lot more higher speed, would that maybe get closer to addressing the issue from the police perspective?

Frasier: There is a lot of things that are within the comfort level of the police department. Really a lot of them have been talked about that that is an option. That comes with some technicalities, you know, can -- if you can only operate it on roads with no more than two lanes, well, can you cross a road that has more than two lanes on it to get to another road and -- and those things. That was not the option the TC moved forward on. I really can't speak any further than that. Wouldn't want to over -- over speak for the Transportation Commission, but, really, you know, what I'm hearing is differing testimony from the Council Members, those who don't want ATVs and UTVs on arterials and collectors and those that don't see a problem with it, that is the ultimate question and it's not for me to decide.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Question. I don't know if this is for you, Bill, or for Emily. About -- I do want to be consistent, make it easy for everyone involved, and so to go back to that 25 mile an hour speed zone, 25 mile an hour or below, is that something from a legal perspective that is easier to enforce? I mean it's more understandable for the citizens. It's -- it's, you know, Sergeant Frasier and his team that he supervises, okay, here is -- here is what it is and I -- I don't know, I would like your thoughts on some of the things that we are -- you can even expand a little bit upon that, so --

Kane: Mr. Mayor, Council Member Hoaglund, that is a possibility. Just to do -- delineate by speed limit or road type or road description, all of those are within your purview to do that. As far as enforcement, I think it is just a matter of educating and there is a pretty well established community we have learned and so, you know, it's -- I wouldn't say it's easy to get the word out, but the word does travel. So, that is a possibility.

Simison: And maybe even throw in one other option that was -- come up at some point in time in conversations is you could lower the speed limit to 20 miles per hour throughout the city and other areas to, again, make it more -- to make it safer for all these vehicles in subdivisions, which is the speed limit that Nampa has and Boise has. So, it's not, you know, completely out there.

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: When licenses are issued does the county -- does DMV provide those individuals with any kind of written information on what city ordinance would be in the area that they live in? So, are they obligated to sign any kind of, you know, disclosure that says you live in Meridian, therefore, you know, here is the rules that need to be followed? Is -- I mean do they do that or is that -- I would imagine that if they were trying to enforce that for every city in Ada county it would be complicated, but is there any way to know when those get registered and at least send them some information if we are talking about an educational campaign, so that they have that available?

Kane: Mr. Mayor, Council Woman Perreault, the Idaho Department of Parks and Recreation is the -- probably the agency that's most plugged into ATVs, UTVs, and other off highway vehicles. The state statute that will go into effect in July requires that they be -- that that department be incorporated or notified of a city ordinance that's under consideration restricting or regulating OHVs. So, that might be a better option for helping get the word out than DMV, because I don't believe that the DMV does provide any information or testing on local municipal regulations.

Perreault: Mr. Mayor, is this a situation where we would send this back to the Transportation Commission for more conversation based on what we have talked about today or is this a scenario where the decision should be made during this work session?

Simison: I don't think that we are to a decision point necessarily. I think the question is is there further dialogue or an actual ordinance that we would bring forward for consideration. From what my understanding is I think the Transportation Commission has discussed this enough that they are -- it's time for Council to determine whether or not this is -- what's an appropriate direction or not, would be my viewpoint from what I have heard.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I have -- I have went around the horn on this issue from a spot of get them all off the roads to put them all on the roads and somewhere in between. I do think, though, that it's probably beneficial, because the amount of work that the Transportation Commission has put into this, it is a hot topic of conversation in our community to at least have a -- a public hearing. I don't know if we want to have a public hearing on this proposed ordinance or if there is some Council Members that would want to make some requested modifications beforehand. I'm certainly supportive of hearing from our community, particularly those that are UTV drivers and understanding the nuance. I think what the Transportation Commission started -- I thought of just three wheelers, four wheelers and occasional side by side and learning about all the differences that are out

there has been enlightening for me and it does make it more challenging to contextualize what is and what isn't a UTV and how it differentiates between a motorcycle or a trike or these -- I was looking at these cool sidewinders that Polaris makes. I mean it can be confusing. So, getting some added information from those that are owners and drivers of these vehicles I think would be helpful for us as we make a decision, if any.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I agree with Councilman Cavener. I think they are getting the public -- getting public testimony would be important just to know what they have to say about it beforehand. I think it would be -- it probably would make more sense to come up with a draft. It would make sense to come up with something that we can present to the public for them to be able to have an opinion on. I think that would be -- it would keep us more focused. That would be my recommendation. Come up with something that we can present and, then, have debate.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Question for the Council President. Are you comfortable with at least putting out the draft that staff has put forth as presented or did you -- are there changes or tweaks that you would want to make before you put it out there? First, I'm comfortable putting out the draft that staff has put out. We may make changes after the public feedback, but unless anyone's feeling really passionately that we have got to make this change right here right now --

Simison: I would make a suggestion that -- I like the conversation. We did the same for the scooters. You know, people understand speed limits. I don't understand -- I can't -- I'm trying to think if the road on my street is a collector or not into Tuscany. I think it is. But I'm not positive. That to -- either being more definitive on arterial or a speed limit, I think it helps clarify and so I would defer to maybe at the speed limit conversation for the draft, if people would be open to that for the consideration, as compared to arterial and collector definitions.

Cavener: Mr. Mayor? Sorry.

Simison: Councilman Cavener.

Cavener: Mr. Mayor, I think the conversation about speed limits is a -- is a separate issue. For the benefit of the Council that was also a topic that the transportation considered and they were not supportive of making any changes to the speed limits at this time.

Simison: I wasn't suggesting changing the speed limits. I was saying we have got to define where they can be ridden.

Hoaglund: Mr. Mayor?

Simison: Because it clarifies for the most part -- the only -- I think Pine and Main are the only two collector roadways that I'm aware of that are near arterials that have the 25 mile per hour speed limit posted. Everything else is 35 or higher, so -- Councilman Hoaglund.

Hoaglund: Mr. Mayor. Yeah. I think it would still be a draft. It can always be changed. But I think doing it with a speed limit of, you know, no person shall operate an ATV on a street with a speed limit greater than 25 miles per hour, just says, okay, these are the streets -- and we can always add in -- except for, you know, designate Pine -- yeah, Pine and Main and those as off limits as well, if we feel the need to, but I just think having the speed limit designation makes it easier. It sounds like from the beginning it was just difficult for officers to explain or difficult for people who understand it. So, I'm just trying to find ways that we can say, okay, it's very simple and -- and -- and the sergeant has laid them out, you know, being licensed, liability, restricted license plate and you're operating at a speed -- a street that's 25 miles hour -- 25 miles an hour or less, so -- and, then, there might be more things that come out of it, but, again, it's a draft, but if that's something, Sergeant Frasier, you're comfortable with -- I mean I'm comfortable with moving forward and, then, getting the feedback from -- from our citizens saying, yea, nay, tweak this, tweak that and get that feedback, but your -- your thoughts, sergeant?

Frasier: Yes. Thank you. I'm comfortable with that. It was an idea I proposed and it's an answer to the greater question is what is the city's stance on the issue. Or would like to do about it, if that's what the city as a whole decides. I'm comfortable with that.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Ms. Kane, thoughts?

Kane: Mr. Mayor, Council Member Bernt, that is easy enough. Would the Council like that draft to come back for review and, then, set the matter for public hearing or just rewrite and set the matter for public hearing?

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: I would be satisfied with just receiving an e-mail copy prior to a public hearing. I don't know if the Council -- fellow Council Members have thoughts on that, but --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think that leaves a significant lack of clarity regarding golf carts, which it seems like we have a flawed ordinance now. I'm not supportive right now moving forward, unless we have some data that justifies a public safety reason for moving forward, which I have not seen. I still think it's an improvement to have a speed limit -- I think if we are going to do it it's an improvement to have it done by speed limit and not by a definition of a type of roadway. I would encourage us to include golf carts in the speed -- within the allowed alternative vehicles. I see a lot of people in golf carts in my neighborhood. It's never been an issue. Any issue I have seen has already been illegal under existing law. So, that's what my struggle is still. So, I'm not supportive of moving forward with an ordinance right now, but I would say if you do want to do it, that's totally cool, but I would just make sure you address the golf cart question.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: And as I read through the draft -- and you might make sure I completely understand. Under the definitions of off highway vehicle it included -- shall be defined as all-terrain vehicles, which are ATVs, motorbikes, specialty off highway vehicles and that was a golf cart for that definition there and, then, any UTVs or utility type vehicles. Is that correct? So, golf carts would be included as an OHV, as would be defined in -- as defined in this ordinance; correct?

Kane: Mr. Mayor, Council Member Hoaglun, yes, that is correct.

Hoaglun: Okay.

Kane: The state statute defines OHVs as specialty off highway vehicles, ATVs, UTVs, and motorbikes. But our city code as drafted doesn't include motorbikes. That's not an issue we are seeing at all.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Ms. Kane, if you might expound on motorbikes, because I did see something last night for the first time that -- it was a little more than an electric bicycle and it was going quite fast, but when I looked and it went past and there was no license on it whatsoever and two people and -- it was really beefed up. So, is that a motorbike or what are we talking when you say motorbike now?

Kane: Mr. Mayor, Council Member Hoaglun, there is a distinction between an electric bike and a motorbike and a moped and a motorcycle. So, who knows. It's there. It's all kinds of new gadgets out there and for the most part the state code covers them and

makes some distinctions, but I think there are some things on the road that defy definition by the state code.

Simison: And, you know, I think where I have navigated to in this conversation, at least right now by most of the conversations, if you can license it and register it and have a license and insurance and have a licensed driver on it, that's one thing. If you can't it's a different thing, you know, from where and how -- but it's -- still it's a huge -- it's -- I don't know how long it's taken in this world for people to understand that you can't -- I refer to the CR80 -- Honda CR80s that they were not street legal, but it probably took me until I was 15 to understand that different concept between seeing XR 250 and a CR80, why one could go down the road with knobby tires and why the other couldn't for a kid and I think we got to remember, it's our kids who are driving these things. With or without parental knowledge or with or without parental supervision, that's -- that's who I see driving all of these. I don't see adults, you know, from a practical standpoint. So, what makes sense and we just want to make sure that they are -- if they are going to be on them that they understand where they can and can't and will they understand the difference when they see someone driving down the road, you know, down -- that to me is that educational component that I don't know if they will understand until what point in time -- oh, that has a mirror and a horn. Who notices that? Like, oh, they went to the store, I can go to the store. Just driving in the subdivision, it's just down the street, so --

Bernt: Mr. Mayor?

Simison: Councilman Bernt. I would be okay with having you bring back a revised document specifying what we spoke about tonight and just having --

Perreault: Mr. Mayor, as part of that revision can we discuss if Council is in agreement with the current fine amount or if there is any interest in increasing it? I have an interest in increasing it. I think it will be more prohibitive, but I'm curious to hear what my fellow Council Members have to say.

Simison: Councilman Cavener.

Cavener: Mayor, thanks. So, I think I'm in a similar boat to Council Member Strader. I -- the Mayor has got a good point. It's licensed, registered, insured -- I don't know if we need to classify this as something special, but I guess I would suggest if the topic of increasing the fine is something Council is supportive of, let's -- let's present as close to what the Transportation Commission has worked on to the public and, then, after we have taken that public feedback if we want to make those changes, I think that makes sense, unless PD has a recommended fine. I don't know what the fine structure is for you guys when you are citing people for excessive speed or a seatbelt, inattentive driving. So, I wouldn't -- I would hate for us to start wading into unilaterally picking out what that fine should be without further guidance from PD.

Simison: Personally, you know, I'm not a police officer, but I view the fines as educational opportunities, rather than a deterrent to behavior. Sometimes they are, but in this case I

don't -- I don't know that it would deter. You know, if you are not getting points on your license, if you are not being -- I don't know. Maybe it will be, though. If it's high enough it probably would be, but --

Perreault: Mr. Mayor?

Simison: Council Woman Perreault.

Perreault: And I'm just thinking about myself as a youth and I'm 17 years old and I want to get somewhere and all I'm going to possibly risk is a 25 dollar fine, who cares.

Kane: Mr. Mayor, Council Member Perreault, it's -- actually with court costs it's closer to 85. It's 83.50 if court costs are 58.50. So, it would significantly increase with the court costs, if that matters.

Simison: Any direction?

Kane: Mr. Mayor, just to make sure I understood, Council President Bernt's direction, we come back with a draft and, then, move forward or update the draft and go forward with a public hearing?

Simison: If the draft is sent electronically to Council, and, then, schedule for a public hearing on the topic. So, we want a regular public hearing, just a work session topic. Yeah.

Kane: Okay. There needs to be a 30 day comment period and the Idaho Parks and Rec Department needs to be notified, so that Council can consider their comments, if any. So, it needs to be at least 30 days out.

Simison: Take your time. All right. Thirty days. Whatever. Okay. Thank you. Council, do I have a motion?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I move that we adjourn.

Hoaglun: Second the motion.

Simison: Motion and a second to adjourn. All in favor signify by saying aye. Opposed nay. The ayes have it. We are adjourned.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 5:41 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK