

COUNCIL MINUTES
JANUARY 23, 2019

The City Council held a meeting on Wednesday, January 23, 2019, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Maile Wilson-Edwards; Councilmembers: Ron Adams; Paul Cozzens; Terri Hartley; Craig Isom; Scott Phillips.

STAFF PRESENT: City Manager Paul Bittmenn; City Engineer Kit Wareham; City Attorney Tyler Romeril; City Recorder Renon Savage; Finance Director Jason Norris; Police Chief Darin Adams; Fire Chief Mike Phillips; Economic Development Director Danny Stewart; Public Works Director Ryan Marshall; Leisure Services Director Ken Nielson.

OTHERS PRESENT: Ken and Helen Englehart, John Word, Christine Marx, Debbie Bleim, Jay Chapman, Brad Green, Mark Kenney, Teri Kenney, Pat Brajnikoff from St. Jude's, Arlo Fawson, Dean Vernon, Sue Vernon, Tammy Bogt, Marion Allan, Jeremiah Davis, Tom Jett, Dixon Tiffany, Glen Shorey, Chris Dahlin, Derek Morton, Don Oswald, Bob Platt, Mary Belle Royer, Spencer Jones, Ruth Stott, Joe Stott, John Meanea, Jamie Petersen.

CALL TO ORDER: Pat Brajnikoff, Senior Warden of St. Jude's Episcopal Church gave the invocation; the pledge was led by Councilmember Hartley.

AGENDA ORDER APPROVAL: Councilmember Phillips moved to approve the agenda order; second by Councilmember Isom; vote unanimous.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF

COMMENTS: ■Phillips –I don't need a new or used mattress, there signs around town. I have a collection at my home, but they are all over town and I know they are not legal. Can we have Chief Adams look into that. ■Cozzens – Corollo Engineers, we paid \$23,000 twice, are those installments? Kit – Jonathan did that, I am not sure. I also had concerns about Executech's billing. In June it will be 3 years we hired them to do our IT services. Looking through the bills, I talked with Rhean, there is some overcharge for \$125, credits, overages, double bill charges and credits, consulting overcharges. I guess there were problems with billing and wanted to go back over a year, the bookkeeping on the account has some issues. Paul – they approached us in September or October and said there were some issues, we reviewed what they thought were owed, one to see if we got the product or service and if we paid the bill. We checked with the departments. We had long discussions about the billing practices, and we said they are the only vendor we have problems with. They are sending down some people next week. We think we have it resolved. Phillips – do you feel we only paid for what we received? Paul – yes, we wanted to pay what we owed and not overpay. Some items were confusing, and we had to work with those. It has been a problem for Rhean and me for the past 3 months. We think we are square now. Cozzens – when we reviewed this with Mountain West, it seems Executech was \$78,000, we still wanted to support our local vendors and I looked at the numbers and it doesn't seem we are doing that. We paid

\$125,000 and in 2018 \$140,000 and Mt. West we are not supporting as much as we should. I think we need to put out to bid again. ■Mayor – we don't have a meeting next week.

PUBLIC COMMENTS: ■Chris Dahlin – I want to talk on the Airbnb's. ■Tom Jett – the weatherman projected 1-3 inches of snow, but on Monday we got substantially more. As usual our City was on it, clear, concise and did not become overburdened. To those that put their time in to address that, the Road and Police Departments were on it. It was dangerous and we were fortunate that we didn't have more serious injuries. The Garbage Department was there early Tuesday morning and took care of the public as if we didn't have a big snowfall. Most of us really appreciate it, we just don't say it.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED JANUARY 2 & 9, 2019; (2) RATIFY BILLS DATED JANUARY 14, 2019; (3) APPROVE VICINITY PLAN FOR CEDAR EDGE PHASE II PUD. VISTA DEVELOPMENT/DON BOUDREAU; (4) APPROVE BID FROM BLACKBURN & ASSOCIATES IN THE AMOUNT OF \$369,628.60 FOR THE 2019 STREET LIGHT REPLACEMENT PROJECT (200 SOUTH TO MONTEREY DRIVE). KIT WAREHAM; (5) APPROVE CITY COMMITTEE APPOINTMENTS AS FOLLOWS: TO CATS, COLE GIBSON FROM SUU; CITY COUNCIL ASSIGNMENTS: PAUL COZZENS – RAP TAX ARTS, CEDAR AREA TRANSIT COMMITTEE, & FRONTIER HOMESTEAD FOUNDATION BOARD; RON ADAMS CEDAR DISABILITY AWARENESS/ACTION TEAM, PARKS & RECREATION ADVISORY BOARD, RAP TAX PARKS & REC., TRAILS COMMISSION, & CROSS HOLLOW EVENT CENTER COMMITTEE; SCOTT PHILLIPS – DOWNTOWN PARKING AUTHORITY, HISTORIC DOWNTOWN ECONOMIC COMMITTEE, & CEDAR CITY HISTORIC PRESERVATION COMMISSION; TERRI HARTLEY – AIRPORT BOARD, CICWCD, CEDAR CITY-IRON COUNTY ECONOMIC DEVELOPMENT COMMITTEE & REGIONAL WASTEWATER TREATMENT BOARD; CRAIG ISOM – PLANNING COMMISSION, LIBRARY BOARD, & HOMEBUILDERS GOVERNMENT RELATIONS COMMITTEE. MAYOR WILSON-EDWARDS: Councilmember Isom moved to approve the consent agenda items 1 through 5 as written above; second by Councilmember Hartley; vote unanimous.

CONSIDER AN ORDINANCE AMENDING THE ZONE FROM DWELLING, MULTIPLE UNIT (R-3-M) AND HIGHWAY SERVICES (HS) TO MIXED USE (MU) FOR PROPERTY LOCATED AT 237 NORTH 400 WEST. GO CIVIL/TYLER ROMERIL: Arlo Fawson, Go Civil Engineering – this is the property just of 200 North next to North Elementary. Tyler – the request is in alignment with the City's General Plan.

Councilmember Hartley moved to approve the ordinance amending the zone from R-3-M and HS to MU on property located at 237 North 400 West; second by Councilmember Adams; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE

Craig Isom - AYE
Scott Phillips - AYE

CONSIDER AN ORDINANCE AMENDING THE GENERAL LAND USE PLAN FROM MEDIUM DENSITY RESIDENTIAL AND BUSINESS AND LIGHT MANUFACTURING TO RURAL ESTATE RESIDENTIAL FOR PROPERTY LOCATED IN THE VICINITY OF 231 WEST 3000 NORTH. PLATT & PLATT/TYLER ROMERIL:

Bob Platt, Platt & Platt Engineering – this was discussed last week, nothing has changed.

Councilmember Phillips moved to approve the ordinance amending the general land use plan from medium density residential & business and light manufacturing to rural estate residential for property located in the vicinity of 231 West 3000 North; second by Councilmember Hartley; roll call vote as follows:

Ron Adams - AYE
Paul Cozzens - AYE
Terri Hartley - AYE
Craig Isom - AYE
Scott Phillips - AYE

CONSIDER AN ORDINANCE AMENDING THE ZONE FROM ANNEX TRANSITION (AT) TO RESIDENTIAL ESTATE (RE) FOR PROPERTY LOCATED IN THE VICINITY OF 231 WEST 3000 NORTH. PLATT & PLATT/TYLER

ROMERIL: Councilmember Hartley moved to approve the ordinance amending the zone from AT to RE for property located in the vicinity of 231 West 3000 North; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams - AYE
Paul Cozzens - AYE
Terri Hartley - AYE
Craig Isom - AYE
Scott Phillips - AYE

CONSIDER AN ORDINANCE AMENDING CHAPTER 34 BY LIMITING THE REQUIREMENTS TO OPERATE A TAXICAB IN CEDAR CITY. JOHN

WORD/TYLER ROMERIL: Tyler – this was Mr. Word’s request to change to allow those with misdemeanor B & C and drug offenses to operate taxicabs. The other change would allow a temporary permit as long as everything, but the background check is met. That request staff did not have an issue with, and we will do an initial background check with our ability to get in the court system. Isom – staff is ok with that period of a background check, but not so keen on lowering the bar for qualifications. Tyler – correct. They also wanted taxicabs to be required to have cameras. Paul – that is a good idea for their protection but not to be required. Cozzens – theft is how long? 5 years is how it is now. Isom – was there not discussion on capping the number of taxicab companies. Phillips – I hear let the market take care of it. It could be an issue, but I think it would self-regulate. Cozzens – I thought back

over the year in my business, people make serious mistakes. Sometimes we need to give second chances. I hired someone with a felony, and he has been one of the best employees and is grateful for giving him a chance. Sometimes we need to error on compassion. John Word – let the business make their own decision. Hartley – your business is more about public safety than a cabinet shop. John – pizza delivery and furniture delivery go into your home without restrictions, we don't go in the home. Hartley – what if we allow misdemeanor B & C but not A, does it still present a risk, or can we work with it? Tyler – it is a risk to a degree, marijuana causes people to not properly operate vehicles and that would be a class B misdemeanor. Tyler – there are different classes, B drug charge is marijuana and a about 50 drugs less addictive. Class A are more addictive, cocaine, etc. theft allows up to \$1,500 to be stolen before it is an A. our ordinance is more lenient than some, the 5-year cap gives them time to overcome the addiction. If you feel 5 years is too long, we could reduce that. John – we do drug testing often, if we have a complaint. I want them 100% safety in mind. Phillips – 5 years is a long time. As Councilwoman Hartley said it is a public safety, but like Cozzens said, we need to help people. I would be ok lowering it to 3 years, we need to give others an opportunity. John – they are sometimes the best employees. Cozzens – how far back are the offenses? John – 3 years, 1 year, 6 months. If it is a one-time thing and you have been clean for a year, I give them a chance. I would like to have Chief Adams say if there have been problems. Chief Adams – no, not to my knowledge, I do support Mr. Romeril, there are always risks, you can have people slip through the cracks. Our officers work with the Taxi services and we have seen DUI's lowered. Cozzens – what about UBER? Adams – I don't know if we have them. Paul – UBER under our ordinance should get a license. John – should, but we have decals, you know who we are. Mayor – UBER does background checks. Hartley – if we lower the time period, could we require part of the application to provide the drug testing results? Tyler – we would have to pay that bill. My suggestion is to let private companies deal with that. Hartley – have that a part of the application. Tyler – I could look into that. Tyler – changes were allowing an applicant to get a temporary driver permit as long as they have references, physician clearance, drivers record and driver's license, after 30 days if we don't get the background, we would pull their permit. Second disqualifying status is felony theft, crimes of violence and felony drugs, homicide. And vehicle install surveillance camera, this would allow any theft under \$1,500. Paul – 3 charges of theft become a felony. I would suggest if you lower it to B&C on drugs, do it on everything.

Councilmember Cozzens moved to approve the ordinance amending Chapter 34, Taxicabs, no camera required, lower the waiting period to 1 year from committing a prohibit offense. Prohibited offenses involving drugs and theft must be a class A misdemeanor and felony's; add crimes of violence and homicide. A temporary permit can be issued if Sections 34-7 (a)(b)(d) and € are met while waiting for (c) to be obtained; second by Councilmember Isom; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

CONSIDER AN ORDINANCE ACCEPTING THE ANNEXATION OF PROPERTY LOCATED AT 1925 NORTH 3100 WEST. GO CIVIL/TYLER ROMERIL:

Arlo Fawson, Go Civil Engineering – a parcel adjacent to Sycamore Trails. The owner does have water rights and is anxious to deed to the City. Tyler – the MOU speaks of that and we will make sure we have it before we send it to the State. Isom – it is adjacent to City. Yes.

Councilmember Isom moved to accepting the annexation of property located at 1925 North 3100 West; second by Councilmember Hartley; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

CONSIDER AN ORDINANCE AMENDING CEDAR CITY ORDINANCE 30A, PRETREATMENT. PETE SURY: Councilmember Phillips moved to approve the ordinance amending Cedar City Ordinance 30A; second by Councilmember Cozzens; roll call vote as follows:

Ron Adams	-	AYE
Paul Cozzens	-	AYE
Terri Hartley	-	AYE
Craig Isom	-	AYE
Scott Phillips	-	AYE

CONSIDER AN ORDINANCE AMENDING CHAPTER 23 ARTICLE 9 REGULATING SHORT-TERM RENTALS. TYLER ROMERIL: Cozzens – what if we have deliberation and have two for and two against maximum to speak. Phillips – if it is someone we haven't heard from, we have heard from a lot of people and we know their issues and concerns. Mayor – we can have 10-15 minutes of comments from people we have not heard from.

Dean Vernon – could I suggest instead of 10-15 minutes, give people 1-2 minutes instead of one person taking the entire time. Hartley – if we have already heard it, we don't need to hear it again. Mayor – let us respect each other.

Chris Dahlin – I am a real estate appraiser and have done so for 10-15 years. I have listened to discussions on the computer and have heard discussions and I want to point out it is simple, the bundle of rights we are given as property owners, it is a legal presentation on how to identify what we are trying to do with our property rights. There are sticks in a bundle of rights, among the sticks is the right an owner has to rent his property, it is a right and has been for 500-700 years out of common law practice and in the US have adopted it. I have seen people in a community worried about soccer games at the elementary school and people parking cars in the neighborhoods. I have seen people stand guard to chase and bark as people parked on a public street because they thought it would bring their property rights

down. I have seen communities make rules unenforceable, and pass rules to change the flavor of rule writing. There is in this case that situation. In my view we need to look at the bundle of rights. We all can't afford a policeman, fireman but are willing to be taxed for sewers and water and share each other's tax burden and it is passed on to the property owner. Here we are looking seriously and trying to whittle the property rights. To whittle you need evidence of harm, if there is, we make an adjustment. I have not heard harm, only fear, but I see people whittling at property owner rights. If you can't prove harm, why whittle. We are worried about transients, cars, buses, dogs and cats living together. What we need to worry about are we whittling property rights. I had a mother-in-law that had to rent her house so she could afford care. It is dangerous business and you are the guardians. Look at the stick we are trying to whittle and if we don't have harm, stop whittling.

Spencer Jones – this is the first time I have come to talk about this issue. I was approached by several that own short-term rentals (STR). There are owners that don't live here and did not see the public notices. Think of how many complaints with short-term rentals. In a quick review on the online meetings, I don't think there have been a lot of complaints. I feel for you and have a neighbor that does short-term rental and live in a cul-de-sac and have asked my neighbor to have people park in front of their property and they were nice and have not had further problems. Concerned about the proposed language, one two occupants and maximum of 10. We have built a lot of homes with 5-7 bedrooms. Think about how many people in your and your kids' family and how many it would be, probably more than 10. Have a 9x18 stall per bedroom is a hardship, maybe 3 car garage and RV parking. Make clarification the language of not parking in the front set-back. If you are letting them park in the front setback. Appeal authority, I am concerned with it being the Board of Adjustments, would it have to fall under the statutory authority. Hartley – that is gone. Spencer – where there are so many people that do short-term rentals, I would ask that you make an exception that are detrimentally relying to pay the debt on their home. Please notice this, people in one section of town are against. The geographic area of Cedar, I do a lot of traveling and I use vacation rentals, I was in one on the big island of Hawaii, there is a small sign put on their property, no time frame. It can be a big blow to lenders if the property is mortgaged and that is the source of income.

Tom Jett – keep one thing in mind, the unattended consequences of your decisions. The free market place, there are some creative entrepreneurs. Some people have commented about the difference between a year-round landlord and a vacation rental home. People that are using vacation homes are more respectful and more mature than people that are renting on a year-round basis. People come for two to 3 days at a time, and usually 4-5 months. San Diego is probably more because of the season, but Cedar City has a more condensed season. Long term landlord and short-term rental parking. I apologize to those on Ridge Road that had a bad experience, but over regulating will not cure the problem, maybe create more. People that want to stay will start building in Enoch, Parowan or the County.

We have all spoken because we are passionate. Mayor – we have heard you and we have the emails and texts.

Isom – I want to thank everyone for the process, the second go around is more civil and more constructive, and I appreciate that. I appreciate the concerned citizens, if we could give a bonus to Tyler we would, but we can't. What is before us is a solid ordinance. I am very pleased that the process has worked, and I am grateful.

Phillips – I think you will see there are five points of view up here, but you have to understand we all want what is the best interest of the City, we live here because we like to live here. Unlike Washington we will work together. There are a few things I would like adjusted. The spirit of what is here is trying to make this work. There is no intention to have short-term rentals go away, our issue is how to address and be proactive and stay on top of it. If it doesn't work, we can adjust again. Hopefully we can continue to work in the best interest of the City.

Tyler – I did share that Planning Commission (PC) positive recommended ordinance. The addition of the PC recommended that we will not allow owner of short-term rentals to rent on a consecutive basis, essentially not turn it to long term. Compatible with use, not mass transit. When owner fills out an application, there are paragraphs they will check that they will abide by laws, it is education and teeth that people will live by them. The application will give address, proof of liability insurance, proof of adequate parking, lodging tax number, diagram showing bedrooms and parking, taxes on timely basis, designation of local property owner/someone to contact and take action within 24 hours. Certify they will use it in conformity with local, state and federal laws, property representative. They have adequate amount of off-street parking, 1 space per bedroom renting out. Not use it incidental to the normal use. I struck language of specifically identifying bachelor/bachelorette parties/concerts, it gives us a broad term instead of specifying items. They assume responsibility of the guests, make best efforts to not disturb neighbors, not use outlying buildings and not in violation of HOA CC&R's. Licensing be required to give notice to neighbors within 300-foot radius, standard mail or hand delivered. If they have issues, they can discuss with the City Building Official, instead of contest, if they meet the ordinance, we will grant permit. Restriction use, nothing changes, max of 2 per bedroom +2 without going over 10 guests. If in violation, 3 or more citations in 12 months will suspend, deny or revoke the license. Ingress and egress to bedrooms and smoke and carbon dioxide and a fire extinguisher, struck bedroom as defined in the IBC. I struck the 9x18 parking stall. Isom – 1 per bedroom. Tyler – 1 is different. Hartley – I suggested it per the home is located, R-1 to R-3 the parking is different, would that cause an issue? Tyler – if that is the approach, we should strike it because it was in compliance when the building permit was issued. Phillips – it was not intended for STR. Paul – we do allow tandem parking.

Phillips – my concerns, overall, I am fine, everyone did a great job. My concern is I am the 9x18 parking stalls, I like the definition of the bachelor/bachelorette and concerns, it sets limits. People with single family homes do that, the difference is I know my neighbors and I go to them and let them know what is going on. Isom – if you call out specific activities, where do you stop, and do you cover them all. Normal residential use covers them, if you call out 3 or 4 it may not be an adequate number. Hartley – if these events get out of hand, we have nuisance ordinance that kicks in. Adams – I agree with that, you can't label them all. Phillips – I am glad about the mobile structures, so people don't put

up tents. The other is restrictions on use, I personally support 2 per bedroom but not exceed 10. I have flip flopped on this, I started with 12, I think community is important, we have bed and breakfast and hotels if you have more than 10. I know 10 is arbitrary, but so is a 35-mph speed limit, you have to set a scale somewhere. Adams – the residential areas say minimum of two off-street parking. Tandem parking is allowed. The number of tenants per bedroom would cover, if they don't have off-street parking then it polices itself without assigning a number. There are larger homes. They will probably bring 4-5 people per car. Hartley – I agree with that; supply and demand will control that. You can't select an arbitrary number, it penalizes some and takes property rights away. Phillips – are you still talking 2 guests per bedroom. A large game room put 8 bunkbeds. Mayor - you have 2 per bedroom mom and dad and a small child. Hartley – I am not putting an occupancy on bedrooms, you have couples with a baby or small child you can reach 10 quickly and it penalizes a larger home. Phillips – the diagram shows 6 bedrooms and they can accommodate 22 people, you are ok with that if they have the space and parking. Hartley – yes. Also recognizing by using VRBO's for family gatherings, if it says 4 bedrooms and accommodates 20 people, I won't rent it. You look at more than the occupancy. Phillips – with the other measurers we have will it protect the tenor of the STR and the neighborhood. Hartley – I do, the record of complaints is two over 10 years. I am a small business advocate, supply and demand is the basic economics, it won't take over the neighborhoods. Adams – one thing I thought about, a bus was brought up in the discussion, if you limit it at 10 you could still have a bus around to 3 houses and still have a bus in the neighborhood. That was a problem with me having a vehicle that size, Ridge Road is a large road, but at 1840 I don't know how they got a bus there. Investors find a way to get around things. Phillips – the Airbnb is not the problem, it is the Vacation Rentals that are the problem. Cozzens – what goes through my mind is Phillips brought up snipe signs of beds for sale and 7 years we have done nothing to get rid of them, all of these things we want to regulate, and we can't get snipe signs down. Do you get my point? Hartley – absolutely. I am not going to raise taxes to hire someone to knock on doors of Airbnb's. It is unreasonable to find off-street parking for off-street parking, you can park on a lawn, people will get creative, they will park in the back yard. You will have unintended consequences. We go to Lake Powell every year, we have rented motels and I was going to rent 3 rooms and we couldn't find one. we rented a VRBO, there were 12 of us, pulled the boat to the side, parked a car in the driveway, one on the street, had dinner and laundry, got up early and left and we did that for 2 days. I don't think there are many buses that show up to STR. As a member of the City Council I have not heard of one complaint, Drew said there were 2 complaints in 13 years, and they were recent. I appreciate Spencer Jones who lives by STR, instead of calling Enoch City he walked across the street and talked to his neighbor. Chris Dahlin brought up harm, where was the harm in that incidence. Phillips – my final thing is under 14, City safety, there have been discussion on financial hardship, our license if \$40, we are not making money off this ordinance. We want to look at the safety. We want ingress and egress/smoke detector, carbon monoxide detector, fire extinguisher. I say for sure smoke and carbon monoxide detector, the others we recommend. Hartley – I am in favor as long as the City does not have to inspect. Phillips – I agree. Adams – new construction covers that. Phillips – when I was talking about Airbnb and home away parking, they are generally renting one or two rooms in their home.

Phillips –it boils to maximum occupancy.

Isom – I am pleased with what we have come up with. The ending product, it is a very good product, I could easily motion to approve the ordinance as written except for 8-B the two per bedroom, 10 maximum. Mayor – when we get to which version, the tonight version. Isom – the one after the January 16th meeting.

Phillips – my recommendation to safety issues, can we do it as part of the application process? Tyler – yes, we cannot require them to modify the building. Isom – they would represent that in the application. Tyler – yes. Phillips – strongly recommend the other two items. Tyler – we could require the fire extinguisher, but not the ingress and egress for older buildings.

Hartley – similar to where I am, similar to Craig, the parking I would like the zone the STR is located in. Kit do you see a problem? Kit – no. Hartley – no limit on occupancy, and the changes on the safety. Phillips – I am ok with all but the limits. We are in agreement with the safety issues, the occupancy and parking. Cozzens – inspection prior to licensure city building inspector should inspect? Drew Jackson – we are slammed and will do what we can, it may be a google map search. Cozzens – 12, the owner assumes responsibility for all guest activities? Phillips – yes, if I have a party at my home, I am responsible. If someone gets drunk and beats up another, the police are called. Paul – the owner is responsible in the scope of his licensure, I think that is the scope. I don't think they will be responsible for someone getting in a car drunk and hurting someone. Cozzens - what about the notice of 300 feet? Adams – I like it but am glad we took the certified mail out. I think neighbors will talk with each other. I have a neighbor that holds an annual meeting once a year and there are about 30 cars in our cul-de-sac, he talks with the neighbors and we all agree. The communication between neighbors allows you to resolve problems. I realize having lived in another state I lived in an area where this could never happen with dividing walls between doors of a duplex. I think it can be resolved with issues if notice is given. I had one neighbor that was thinking about it and I told her it was not allowed in our neighborhood. I think that is sufficient for notification.

Hartley – I wanted to note in the section how will you have proof of mail without the certified mail.

Councilmember Hartley moved to approve the ordinance Chapter 23, Article 9 regulating short-term rentals, the version from the January 16 meeting, no occupancy limit, parking governed by zone and safety having smoke detectors and carbon monoxide detectors to the application and the other items recommended;

Debbie Kline – clarification, the house that 1 bedroom with 9 beds in it, with no limit that home could have 72 people, the plumbing, sewer, water is burdened. Hartley – that is an anomaly, we don't make laws to govern one incident. Debbie – we expect good, but it is not what we got. We are entrusting you to protect us. We had 9 people in one bedroom with a basement window. I don't mind if your entire family goes. Hartley – the other side is coming to us asking not to take property rights away. We are trying to find middle ground.

Dean Vernon, 687 Ridge Road, I have a 7-bedroom home. I know of a neighbor's home is up for sale that advertised they can sleep 30 people. #8 is essential, you have a responsibility to think about what is happening in society. Airbnb's did not exist when I built my home. They affect everyone's rights. There are zoning laws, animal laws, if you don't restrict you are not protecting citizens. We are not saying you cannot have Airbnb or vacation rentals, but not a two bedroom with 30 people. I have seen many LeBus on the south end of Ridge Road. Give reasonable restrictive uses, by numbers, and you need to define a bedroom. There has to be some limitations, or you have done nothing to help the community adapt. Hartley – we have 8 pages of new restrictions, but I am opposed with the occupancy limits. Dean – you are ok with 30 people in a home. Hartley – if it is a problem, we have ordinances to take care of them. Are you harmed if you have 30 people are inside a home? Dean – give consideration to a reasonable limitation number. No restriction is not reasonable.

Joe Stott – vacation homes come across my desk often. There are a number of homeowners turning into VRBO's don't know how financing works, but they pay higher interest. Councilman Cozzens there is not one thing you do in your business that is not regulated. When you talk property rights, government has rights and can take your ground through eminent domain, all of us have limited rights, you have ordinance that prohibit a pig farm next to your home. The safety issue is a concern, 50-year home with 3 bedrooms in the basement and on main floor, the windows are not large enough. You get people not used to living in these homes you will have problems. The homes have to be inspected. You have made good restrictions, you cannot not limit. I was in a business where they are putting a youth home, the value is per bedroom as in student housing. When the individual found out per bedroom has a greater value, he was putting 3 people in a bedroom. Hartley – how do you enforce that. Joe – there are a lot that will not follow the regulation, but a lot will. To not limit you are asking for a lot of trouble. I know you are pro-business, I think some of you would like to throw out the zoning, I helped rezone a city and I understand it. I am concerned you will not look at health hazards and the number. They need to be inspected for health and safety.

Cozzens – a question, the Police Department is at max, Building Department is at their max, do you want us to hire more people. Joe – the PD is not qualified; the building inspectors are. I know they are busy, almost every community in southern Utah are dealing with this issue. Even Boulder made a home owner/occupied part of the year. They may be taxed. 6 months we won't have the same market. I think the Building Department could do it. Hartley – one point, we have been advised, the home can only be enforced for safety standards to the era they are built. If inspected there is nothing we can do to bring it to code. Tyler – correct. Joe – I understand, but 30 people in a 50-year-old home is a safety concern, that is an issue. Cozzens – Mr. Vernon is a friend of mine. When we create ordinances that are difficult to enforce. We go to the dog ordinance, dogs had to be licensed and you could only have two. It was brought to light by someone that had two dogs, one old and was going to die so he got another dog, they were hunting dogs. A dog got out, the animal control found the dog the same time as the owner. He was told to get rid of one of his dogs. We found it was not enforced, there were some people that had 5 dogs, and no one knew, but some had one dog that drove everyone crazy, so we got away from that ordinance. Joe – do you get rid of every

law you cannot enforce? I think you should have them license, inspected, adequate parking and limits on numbers.

Jeremiah Davis – owning a specialty shop I know complicated ordinances. You were talking about the certified mail within 300 feet and talk to the neighbors within 300 feet. How do you prove it and a neighbor may say he was not notified? Hartley – they will certify in their application. Tyler – there is an affidavit. Phillips – you can lie. Hartley – it can be cost prohibitive to certify for 300 feet. Jeremiah – it is just complicated to prove, it is not worth putting in the law, maybe recommend. Hartley – that came out of the community meetings. Jeremiah – committees don't know about enforcement. Tyler – the way it is written is it is either mailed, or hand delivered, and there would have to be some sort of document to that.

Marion Allan – on one hand on the application for STR the requirement for sprinkler system and safety in the home will be in the application and good faith because you don't want to inspect, or cannot inspect, so applicants will sign it on good faith. On the other hand, you are resisting limit on occupancy, I don't understand logic. The limit is on the application, on good faith people will honor it. Hartley – unenforceability is not my reason, variety of homes, property rights to enjoy their rights who have pleaded to us to not limit. We have listened to make it fair and equitable, we have worked hard. Marion – I understand your statement, in my opinion Mr. Cozzens and Mrs. Hartley are using your arguments for personal reasons. Hartley – I stay at hotels often also. Cozzens – I have used an Airbnb twice and have stayed in hotels hundreds of times. Marion – with no limitation to my neighbor renting to 30 or 50 people is not fair. I don't think you have that consideration.

Sue Vernon – to say all these things cannot be enforced, does that mean we shouldn't try. To throw it out is not a reason. Hartley – that is not my primary reason, it is the basis of personal property rights. I was elected to represent all citizens, I take offense that I do this for personal gain, that is not the reason. Phillips – I want to make sure, is there room for compromise. I see issues for 9 bunkbeds in one room, I also get the problem with 2 per bedroom. It is about trust, sometimes you go into a business and you see something that says you cannot do this, you can't pee in the pool, but kids do. Is there a way to find a middle ground to Councilmember Hartley's concerns and my concerns? Adams – the application is similar to a rental application, they list the number of bedrooms to figure out the parking, can we do that with this application. Can we require a diagram, number of bedrooms and limit it to two per bedroom + 2 to the application process? People will get around it and lie, they do on the other application as well. Then it is upfront and not have capped, two per bedroom plus 2 so a 6-bedroom home could have 14 people. Hartley – I could put a limit to two per bedroom plus 4. Phillips – I could live with that.

Hartley – I amend my motion to two per bedroom plus 4. Parking per the zoning, with smoke and carbon monoxide detectors in the homes and other safety issues recommended. Tyler – can amend the mail language.

Second by Councilmember Adams; roll call vote as follows: