

HEBER CITY CORPORATION
75 North Main Street
Heber City, UT 84032
Heber City Council Meeting
December 19, 2023

APPROVED Minutes

4:30 p.m. Closed Executive Session
5:00 p.m. Work Meeting
6:00 p.m. Regular Meeting

I. CLOSED SESSION - 4:30 P.M.

Mayor Franco called the meeting to order at 4:31 p.m.

City Council Present: Mayor Heidi Franco
Council Member Yvonne Barney - arrived 4:35 p.m.
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips - remotely
Council Member Ryan Stack

Staff Present: City Manager Matt Brower
City Engineer Russ Funk
City Attorney Jeremy Cook
City Recorder Trina Cooke

1. Strategy session to discuss the purchase, exchange, or lease of real property (Matt Brower, City Manager)

Motion: Council Member Stack moved to enter Closed Session. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Stack, and Phillips. Council Member Barney had not yet arrived. **Voting No:** None. With a passing vote of 4-0, the meeting entered Closed Session at 4:32 p.m.

Motion: Council Member Stack move to adjourn the Closed Session. **Second:** Council Member Kahler made the second. The Closed Session adjourned at 5:05 p.m.

II. WORK MEETING - 5:00 P.M.

Mayor Franco called the meeting to order at 5:08 p.m. and welcomed everyone present, wishing them Happy Holidays.

City Council Present:

Mayor Heidi Franco
Council Member Yvonne Barney
Council Member Mike Johnston
Council Member Rachel Kahler
Council Member Scott Phillips - remotely
Council Member Ryan Stack

Staff Present:

City Manager Matt Brower
Community Development Director Tony Kohler
Planning Manager Jamie Baron
City Planner Jacob Roberts
Parks and Cemetery Director Mark Rounds
City Engineer Russ Funk
City Attorney Jeremy Cook
City Recorder Trina Cooke

Staff Participating Remotely: IT Specialist Anthon Beales, Engineering Technician Desiree Muheim, Public Works Director Matthew Kennard, City Engineer Russ Funk, Assistant City Manager J. Mark Smedley, Finance Director Sara Jane Nagel, City Treasurer Mindy Kohler, Deputy City Recorder Robin Raines-Bond, Engineering GIS Technician Shiona Howard, and Heber Valley Airport Manager Travis Biggs.

Also Present: Josh Martin, Sid Ostergaard, Joel Brian Butler, Jr., Jason Norlen, Dallin Koecher, Gene Sweeney, Pat Sweeney, Missy Maughan, Tori Broughton, Phil Jordan, Joshua Jewkes, Mike Glenn, Lane Lythgoe, Josh Lythgoe, Del Barney, Greg Whitehead, and others who did not sign in or whose names were illegible.

Also Attending Remotely: (names are shown as signed-in online) John Janson, Sam Taylor - Landmark Design, Aaron Cheatwood, AJ, Grace - KPCW, the Wasatch Wave, and Shorty 5.

1. Aaron Gabrielson discuss permitted uses in the Business & Manufacturing Zone (Tony Kohler, Community Development Director) - *15 min*

Community Development Director Tony Kohler explained the permitted uses in the Business and Manufacturing Zone did not allow certain service-oriented businesses. Petitioner Aaron Gabrielson hoped the Council would expand the scope of permitted uses in the area to include service-oriented businesses.

Council Member Johnston felt the zone was outdated from when it was originally established. He felt the requested uses were appropriate uses that supported the community. Council Member Kahler supported City-sponsorship of the zone change as she felt it was beneficial to the community rather than an individual private party. General consensus of the Council was to update the permitted uses in the area discussed.

2. 200 S Plaza Concept Plan (Jamie Baron, Planning Manager) - 30 min

City Planner Jamie Baron shared a PowerPoint reflecting examples of other cities' street plazas and the proposed band-shell and plaza design options for Heber City's Main Street Park on 200 South. Planning consultant Sam Taylor described three design concept options and detailed the proposed alterations to existing planters and parking spaces.

City Manager Matt Brower reviewed the timeline and grant funding for the project. Sid Ostergaard expanded on the details of the three options. Council discussion followed.

Joel Brian Butler, Jr. wished to submit a bid for the band-shell project and provided suggestions for materials to be used.

III. BREAK - 15 MIN

IV. REGULAR MEETING - 6:00 P.M.

1. Call to Order

Mayor Franco called the meeting to order at 6:12 p.m. and welcomed everyone present. She wished everyone Happy Holidays and a Happy New Year.

2. Pledge of Allegiance (Rachel Kahler, Council Member)

Council Member Kahler led the recitation of the Pledge of Allegiance.

3. Prayer/Thought by Invitation (Scott Phillips, Council Member)

Council Member Phillips shared his love of Christmas and a quote from Charles Dickens' book "A Christmas Carol" as follows: "I have always thought of Christmas time, as a good time: a kind, forgiving, charitable, pleasant time: when men and women seem by one consent to open their shut-up hearts freely, and to think of people below them as if they really were fellow-passengers to the grave, and not another race of creatures bound on other journeys." Council Member Phillips asked that everyone reach out, be more neighborly, lend a helping hand, give where they could, and support each other, not just through Christmas but throughout the year.

V. CONFLICT OF INTEREST DISCLOSURE:

There were no conflicts disclosed.

VI. AWARDS, RECOGNITION, and PROCLAMATIONS:

1. Recognition of outgoing Council Members Kahler and Stack

Heber City Manager Matt Brower presented outgoing Council Members Rachel Kahler and Ryan Stack with Plaques to commemorate their time served on the Heber City Council as well as a gift basket to thank them.

VII. CONSENT AGENDA:

Motion: Council Member Kahler moved to remove agenda item two from the Consent Agenda. **Second:** Council Member Barney made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

Motion: Council Member Stack moved to approve the balance of the Consent Agenda as presented. **Second:** Council Member Kahler made the second. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

1. Approval of December 5, 2023, City Council Meeting Minutes (Trina Cooke, City Recorder)
2. Ordinance 2023-40 Adopting update to Subdivision Regulations (Tony Kohler, Community Development Director)

Motion: Council Member Kahler moved to amend Ordinance 2023-40 on the PUE (public utility easement) to increase the setback from 10-feet to not less than 15-feet. **Second:** Council Member Barney made the second.

Discussion: Jason Norlen, Manager with Heber Light and Power, shared reasons the Power Company needed the larger setbacks such as visibility concerns; safety equipment accessibility, and meeting the spacing requirements between the gas lines, power lines, and water utility lines. Council Member Stack wished to await Staff's findings from other cities regarding the resolution of the concern of setback size. Council Member Barney felt it was important to listen to the power company, the City's Engineering Department, and Public Works Department, who had all asked to have the 15-foot minimum.

Council Member Stack called the question.

Vote on original motion made by Council Member Kahler: Voting Yes: Council Members Kahler and Barney. **Voting No:** Council Members Johnston, Stack, and Phillips. The **Motion Failed 2-3.**

Motion: Council Member Phillips moved to table the agenda item until there was more information provided by Staff. **Second:** Council Member Kahler made the second.

Discussion: Council Member Johnston felt the Council needed to adopt the Ordinance as there were other important factors included. He noted the Council could amend the Ordinance at a later date. City Manager Matt Brower pointed out that the adoption of Ordinance 2023-40 would finalize the City's updates for Envision Heber 2050 general plan. Council Member Stack felt the Council should proceed with the adoption of the Ordinance as well.

Motion Withdrawn: Council Member Phillips withdrew his motion to table the agenda item.

Motion: Council Member Stack moved to approve Ordinance 2023-40 as presented with further instruction to Staff to return with additional information regarding how best to amend, if necessary, the code provisions pertaining to public utility easements.

Second: Council Member Phillips made the second.

Discussion: Planning consultant John Janson informed Council that Section 22.03.09 gave the City Engineer discretion over the size of the setbacks. Council Member Kahler felt the referred to section would allow developers to argue the City Engineer's determination for the width of the PUEs. City Engineer Russ Funk indicated he was comfortable with the ordinance as-is and supported the Council moving forward.

Vote: Voting Yes: Council Members Johnston, Stack, and Phillips. **Voting No:** Council Members Kahler and Barney. **The Motion Passed 3-2.**

3. 2024 Holiday Schedule (Cherie Ashe, Human Resources Director)
4. Ordinance 2023-47 adopting amendments to Chapter 18.08 Definitions (Tony Kohler, Community Development Director)

VIII. PUBLIC COMMENTS: (3 min per person/20 min max)

Council Member Ryan Stack shared a prepared message expressing his gratitude to fellow Council Members, City Staff, and the public. The entire message is included at the conclusion of this City Council Minutes document.

Council Member Barney shared an emailed comment from CJ Dunning requesting a bus stop location in the center of town. City Manager Matt Brower agreed to get the message to High Valley Transit. She then expressed her appreciation and thanks to Ryan Stack and Rachel Kahler for their service to the City.

Mayor Franco read another emailed comment received by Mr. Tony Pericle with regard to short-term rentals and HOAs as attached to the end of the Meeting Minutes.

IX. GENERAL BUSINESS ITEMS:

1. GAAP Financial Statement FY2023 Presentation (Sara Nagel, Finance Manager)

Finance Director Sara Jane Nagel explained the State Code requirement to provide the Council with an annual financial statement as attached to the meeting materials. There was no further presentation.

X. ACTION ITEMS: (Council can discuss; table; continue; or approve items)

Mayor Franco returned the meeting to agenda item two on the Consent Agenda.

1. Public Hearing regarding Resolution 2023-23 for Fiscal Year 2023-2024 Budget Amendment followed by Council Consideration to Approve (Sara Nagel, Finance Manager) - *10 min*

Finance Director Sara Nagel reviewed the proposed budget amendments as listed in the attached Staff Report.

Mayor Franco opened the Public Hearing at 7:00 p.m. With no one from the public coming forward to comment, the Public Hearing was closed at 7:01 p.m.

Motion: Council Member Stack moved to approve Resolution 2023-23 regarding the Fiscal Year 2023-2024 budget amendment as presented. **Second:** Council Member Phillips seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

2. Ground Lease and Parking Agreement for Performing Arts Center (Matt Brower, City Manager, Phil Jordan) - *10 min*

City Manager Matt Brower explained the minor changes to the ground lease agreement had been implemented and Council was being asked to approve the proposed ground lease agreement with the Wasatch County Arts Council (WCAC) for the future Arts Center. Pat Sweeney, President of the WCAC, thanked the Council and City Manager for their work with the Arts Council. She was very excited to see the project coming to fruition, offering local artists a place to create. Phil Jordan, member of WCAC, expressed his gratitude as well and noted the opportunities the proposed Arts Center would bring to the Valley. Mayor Franco felt there was no quality of life without the arts.

Motion: Council Member Kahler moved to approve the item as presented with the findings and conditions in the Staff Report. **Second:** Council Member Phillips seconded the motion. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** None. The **Motion Passed unanimously, 5-0.**

3. Parks and Cemetery Administration Building Request for Proposal (RFP) & Cemetery Master Plan Amendment (Matt Brower, City Manager, Mark Rounds, Parks and Cemetery Director) - 15 min

City Manager Matt Brower explained there were two approvals requested from Council that night. The first was to approve an amendment to the Cemetery Master Plan document. Second was approval of the elevations, site plan, and orientation of the building, in order to put the project out to bid by the end of January 2024.

Josh Lythgoe, with Lythgoe Design Group, presented the details of the elevations the proposed amendment to the Master Plan. A roundabout was added for a drop-off zone in front of the building. A celebration of life area was included. The building orientation was shifted to optimize the view of Mount Timpanogos. An amphitheater style seating area was added to fit the topography change in elevation to be used as another life celebration area or a place for reflection. Lane Lythgoe did not have firm numbers for the construction costs without the project going out for bids. He reviewed phasing options for the project. City Manager Matt Brower felt the City had budgeted the necessary amount to fund the project. Parks and Cemetery Director Mark Rounds reminded Council that as the grave and niche sites sold, the project would be self-funded.

Mayor Franco opened the discussion for public comment. With no-one coming forward to comment, the public comment period was closed.

Council Member Johnston complimented Lythgoe Design Group for the effort dedicated to create such a beautiful project and expressed his support of the project. He felt the project would be a great asset for the entire Valley.

Motion: Council Member Kahler moved to approve the item as presented and complimented Mark Rounds for his visionary work on the career-long project.

Second: Council Member Phillips made the second and complimented Mr. Rounds as well. **Voting Yes:** Council Members Kahler, Johnston, Barney, Stack, and Phillips.

Voting No: none. The **Motion Passed unanimously, 5-0.**

4. Jordanelle Ridge Bond Agreement (Jeremy Cook, City Attorney) - 15 min

City Attorney Jeremy Cook explained the hope of Staff to have all the changes implemented in time for the meeting that night but that there were still some outstanding changes needed. He asked the Council to table item but wished to summarize the item for Council. He explained that Jordanelle Ridge was unique due to its size and the Public Infrastructure District (PID). He described the nuances specific to this development's processes.

Motion: Council Member Kahler made the motion to continue the item to the January 2, 2024, City Council Meeting. **Second:** Council Member Stack seconded the motion.

Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

5. Evans Property Acquisition (Russ Funk, City Engineer, Jeremy Cook, City Attorney) - 10 min

Action Agenda item five was skipped.

6. Ordinance 2023-45 Amending Heber City Code Section 5.26.040 Related to HOA Consent for Short-Term Rentals (Jeremy Cook, City Attorney) - 10 min

City Attorney Jeremy Cook explained the reasons for Staff returning the item to the Council to reconsider changes to the short-term rental ordinance. Staff preferred the burden be placed on an HOA (homeowners association) to notify the City if short-term rentals were not permitted within the private community.

Council Member Kahler questioned what determined an active HOA. Mr. Cook reviewed the requirements of an active HOA including being registered and having established rules (CC&R's). Council Member Johnston supported the proposed solution. He shared a personal story about members of a defunct HOA trying to impose restrictions when he had built his home. Council Member Stack supported the proposed solution as well but felt the City should notify the HOAs of the City's requirements. Staff agree to include the information in the City newsletter and place on the City website in order to reach as many HOA residents as possible. Council Member Barney felt the HOAs should be required to declare themselves to the City. She felt a formal process was needed. Mr. Cook explained the process was done through the Department of Commerce.

Motion: Council Member Johnston moved to adopt 2023-45; the second option with exhibit "A", and the new portion 5.26.045 "Notice of Short-Term Rental Restrictions", as discussed and found shown in the meeting materials. **Second:** Council Member Phillips made the second.

Discussion: Council Member Stack urged that the information be blasted to the public. Council Member Johnston felt the information could be included with the water-bill mailing. Council Member Kahler noted that Midway had districts where short-term rentals were and were not permitted. Council Member Stack hoped the new Council would consider implementing overlay zones.

Voting Yes: Council Members Kahler, Johnston, Barney, Stack, and Phillips. **Voting No:** none. The **Motion Passed unanimously, 5-0.**

XI. COMMUNICATION:

City Manager Matt Brower shared the following:

1. Updated copy of the 2024 City Council Retreat agenda with a working lunch, inviting the County Council and RailRoad Board to discuss the proposed Arts District, the Recreation District, the urban boundary, and the Heber Valley Corridor.

2. The Interlocal meeting scheduled for January 10, 2024, was asking for agenda items

He commended Council Members Kahler and Stack and felt it was great they had been able to see the Envision Heber 2050 through to completion and to have participated in establishing the Ground Lease agreement with the Wasatch County Arts District. He wished everyone a Merry Christmas and Happy New Year.

1. Meeting Handout - Retreat Agenda ()

XII. ADJOURNMENT:

Motion: Council Member Kahler made the motion to adjourn. **Second:** Council Member Stack made the second. The Heber City Council Meeting adjourned at 8:08 p.m.




Trina Cooke, City Recorder

Message shared by Ryan Stack:

As I wrap up these four years in office I want to express my gratitude to my colleagues on the Council (current and former), City staff, and most important - the citizens of Heber City. I remain humbled and honored by the trust placed in me to serve our community.

Heber City has taken significant strides forward during the past four years. Our city is proactive, responsive, engaged, and visionary, and I firmly believe that its best days are yet to come. From our work these past four years Heber City now has an award winning general plan, a central Heber plan, a parks master plan (with new and expanded parks), a cemetery master plan, an airport master plan, the North Village Overlay Zone (with a plan to secure funding for open space preservation), the foundation for a successful CRA, and needed substantial updates to transportation and critical infrastructure (with more still on the way). This list is far from exhaustive. So to my colleagues, city staff, and our city manager - thank you for your collaboration in crafting a vision and making Heber extraordinary. And to the citizens - thank you for your input, feedback, emails, and participation in the myriad public workshops and open houses these past several years.

To my family: thank you. Thank you for sacrificing to afford me this opportunity to serve. I've tried to use my time on council as a springboard for conversations with my kids, to explain and hopefully model the importance of standing up and working to be part of the solution. It's easy enough to be part of the problem, and anyone can lob hand grenades from the cheap seats. But to do work that matters we must be willing to be vulnerable, to lead out, and to daily reaffirm our commitment to collaborate and be part of the solution.

Finally, to my fellow council members, and to Aaron and Sid - thank you for putting yourselves out there, and your willingness to be part of the solution. Heber City will be in good hands.

Thanks everyone.

Ryan P.C. Stack
Heber City Council

From: Tony Pericle
Sent: Tuesday, December 19, 2023 5:14 PM
To: CC Public Comments
Subject: (EXTERNAL) short-term housing

Dear Honorable Mayor and City Council Members I hope the attached thoughts will be helpful in making decisions that will be in the best interest of the community regarding short-term rentals.

Tony Pericle

December 16, 2023
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Subject: Heber City's Approach to Short-Term Rentals

As a follow up to the City Council meeting on December 5, 2023, I wish to offer additional perspective regarding the short-term rental topic.

Short-Term Rental Concerns

Below is a summary of short-term rental concerns discussed during recent City Council meetings, along with my comments:

1. Lack of Affordable Housing: Less than 3% of Heber City homes are used as vacation/short-term rentals. The argument that short-term rentals have created a lack of affordable housing is not supported by housing data. (Refer to the 'Affordable Housing Challenge' section at the end of this letter for supporting statistics).

2. Noise/Disturbance: According to our City administrators, there have been only a handful of minor disturbances attributed to short-term rentals in recent years. The argument that short-term rentals disrupt community peace lacks meaningful evidence.

3. Safety: The city's current processes for licensing short-term rentals include comprehensive

health and fire safety inspections by Wasatch County officials.

Current Code Challenges

The current short-term rental code poses a variety of administrative and legal challenges. The city will

be exposed to excessive burden and potentially significant expense to administer, monitor, enforce and

potentially litigate disputes related to interpreting and equitably enforcing an HOA's CC&R.

As a point of reference, City Code 5.26.010 (the introduction to short-term rentals) reads:

The purpose of this chapter is to provide a fair process for the licensing and administration of Short Term Rental Licenses in Heber City.

The current licensing administration requirements for the short-term rentals go against the stated purpose of the code itself.

Suggestions/Ideas for Balancing Interests

To harmonize the interests of the community and short-term rental operators, I suggest the following:

1. Licensing Adjustments: Increase the initial business license fee for short-term rentals,

incorporating a sliding scale for renewals that reflects the property size. This approach can

ensure a fair contribution from operators based on the size of their rental property.

2. Tax Adjustments: Adopt a progressive tax structure for operators who own more than one

short-term rental property. (You can mirror the state's practice of higher property taxes for

secondary homes. To discourage aggressive investors, apply escalating tax to owner/operators

of multiple short-term and long-term rentals.) (An argument could be made that investors of

multiple long-term rental units are a possible reason for increased house prices). December 16, 2023

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3. Simplify the Short-term Rental Code: Adjust sections of the code that will create unnecessary

burdens and expenses. Adopting the proposed Ordinance 2023-45 is a start. This revision

creates a manageable path for an HOA to say "No" to short-term rentals by displaying the

provision within the CC&Rs specifically prohibiting short-term rentals, with a signed document

by a legal (and I would assume elected*) representative of an active HOA.

* My only suggestion to ensure clarity of the proposed code is to make it require that the

legal representative is an HOA officer who was elected within the past 12 months by the

members of the HOA.

My Perspective

Short-term rentals can offer many benefits to Heber City to include:

1) Access to short term lodging for community members and their visiting family and friends.

2) Competitive prices for short-term lodging.

3) Additional revenue for the city, with adjustments to the tax code

The primary argument that short-term rentals materially impact housing affordability seems overstated,

especially when compared to similar housing market trends in neighboring communities with a much

higher proportion of short-term rentals to total housing.

To address any argument that investors are causing inflation to house prices, consider a progressive tax

for multiple homes owned within the community used as both short-term and/or long-term rentals.

To conclude, I urge the City Council to:

- Remove or adjust code provisions that are difficult or potentially expensive to administer and

allow neighborhoods to self-regulate through their own governing boards. (See 'HOA Commentary' for more on this topic.)

- Implement tax policies that discourage excessive accumulation of short-term (and long-term)

rental properties.

Thank you for considering my viewpoints. I appreciate your commitment to our community and hope

my insights contribute to decisions that will lead to a fair and balanced outcome.

Sincerely,

Anthony J. Pericle

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Affordable Housing Challenge

Heber City house prices have increased by about 70% during the past 5 years (from \$450K to \$750).

Source: <https://www.zillow.com/home-values/396506/heber-city-ut/>

The main argument against short-term rentals appears to be that they have caused a shortage of

affordable short-term housing. To determine the validity of this argument, we should compare adjacent

communities.

In the same period, Midway house prices increased around the same rate of 70% (from \$500K to

\$850K). And Park City has increased 75% (from \$850K to \$1.5M).

Source: <https://www.zillow.com/home-values>

Now let's look at the % of houses that are used for vacation/short-term purposes.

According to the bestplaces.net website, the "Vacant Vacation" metric for Heber City is 2.9%. This

metric indicates that 2.9% of all houses are used for vacation/short-term rental purposes.

Source: <https://www.bestplaces.net/housing/city/utah/heber>

Heber City officials have indicated there are about 40-80 short-term rental units in Heber City. This

would indicate that about .5% to 1% of all houses are used for short-term rental. Below is the "Vacant Vacation" metric for neighboring communities:

Midway: 18% (6 times greater than Heber City)

Park City: 50% (16 times greater than Heber City)

Source: <https://www.bestplaces.net>

It's difficult to measure how many short-term rental units operate in each of these locations. According to Airbnb, there are over 1,000 for Park City (which is about 25% of the total homes). And about 200 for Midway (which is about 10% of the total homes).

House prices have absolutely soared in the Heber City area over the last 5 years.

Home ownership is

now out-of-reach for most people looking to purchase their first home. However, are short-term rentals

the primary cause of the dramatic increase in home prices in Heber City?

With the backdrop of the data presented above, why would the rate of house price increase for Midway

or Park City not be dramatically higher, given that the Midway and Park City short-term and/or "vacant

vacation" metrics are many times greater than Heber City?

My conclusion is that the primary reason for this increase of affordable housing is not short-term

rentals, but rather:

location, location, location.

Heber City is a very desirable area. And people who are looking (increased demand) to move to those

desirable areas will be willing to pay a premium (inflation) for the limited housing (lack of supply) in

those areas. December 16, 2023

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Based on the data, I believe the argument that short-term rentals are a material cause for the lack of

Heber City affordable housing is weak at best. Housing in desirable areas (near mountains, beaches, etc.)

has increased dramatically over the past few years.

It should also be noted that 50% of the Airbnb listings are homes that are in the 75th percentile of house

prices, which wouldn't be considered affordable.

There could be a case made that owners of multiple long-term rental units have affected house prices.

HOA Commentary

There were two points made in the December 2023, meeting regarding the HOA approval letter

requirement:

1) This provision was put into the Code related to HOA approval was to give the HOA "teeth," and

2) The question was raised whether or not HOAs can apply penalties and liens for breaking CC&Rs

The government's purpose is to protect the peace of and provide services to its citizens. This particular

requirement puts an unnecessary burden on government administrators, and according to the city

attorney, sets a precedence that could lead to having the government enforce non-criminal HOA code

violations as criminal, such as whether or not you can fly a flag, how many dogs you can have, or to force

an owner to rectify his/her 2 story house when the CCNRs indicate that there should be only one story.

HOAs have the responsibility to monitor and authority to enforce their CCNRs. Their purpose is to

regulate non-criminal behavior. If a community wants to give its CCNRs "more teeth," they have the

ability to propose and adopt provisions that include particular conditions to governing short-term

rentals to include penalties, liens, etc.

Conclusion: Don't put the burden on city administrators to navigate the waters of HOAs.

It is in the best

interest of the city to allow the individual communities to legislate how they govern, monitor,

administer, prohibit, and/or enforce the particulars of their rules, including short-term rentals.