

Town of Independence

Town Council Meeting

09/10/2024 7:00 p.m.

In attendance: Mayor Phil Sweat; Councilmembers Gary Ryan, Tracy Sabey, and Bonnie Wilson.
Councilmembers Rose Heaton and Bill Duke were excused.

Staff attendance: Jodi Hoffman and Cathy Bingham.

Others in attendance: Lauren Bolger, Jim Tolbert, and Kim Tolbert.

1. Mayor Sweat called the meeting to order at 7:02 p.m.
2. Pledge of Allegiance. Councilmember Ryan offered the Pledge of Allegiance.
3. Review and possible adoption of draft minutes for August 14, 2024.
 - Councilmember Ryan moved to approve the minutes for August 14, 2024.
 - Councilmember Sabey seconded the motion.
 - The motion passed unanimously.
4. Discussion of Heber Valley Animal Services letter dated September 9, 2024.
 - Ms. Hoffman went over the letter with the Council. She spoke with Heber City Chief of Police Parker Sever, which is the administrative body over Animal Control for Wasatch County.
 - Animal Control is governed by an interlocal government group made up of government agencies in Wasatch County. Heber City, Wasatch County, and Midway City are the managing members. Ms. Hoffman asked Chief Sever if there had been many animal control complaints from Town residents. Chief Sever said the letter was being sent to all municipalities within the County and he was not aware of any problems in the Town.
 - Approximately 10 years ago, the Council decided not to join the interlocal group.
 - If Independence decides to join the group, the cost would be approximately \$150.00 a month. Each Animal Control callout would be an additional charge to the monthly fee.
 - Councilmember Wilson asked about Town residents paying a fine if their animals are impounded. Ms. Hoffman said since the Town isn't a member, residents' animals should not be impounded. The residents are not allowed to surrender animals to the animal shelter if the Town is not a member.
 - After discussion, the Council agreed not to participate in the interlocal group. Ms. Hoffman will reply to Chief Sever.
5. Discussion of Short Term Rentals.

- Ms. Hoffman explained the draft Owner-Occupied Short Term Rental Use and Business License Application that was prepared for the Council to review.
- Ms. Hoffman told the Council that Utah Case Law allows certain types of Short-Term Rentals (STRs) even if local jurisdictions prohibit them. Additionally, state legislation currently provides that municipalities cannot prohibit someone who wants to advertise their property as an STR.
 - Municipalities can regulate STR’s through business licenses issued for Short Term and Long-Term Rentals.
 - Most properties in America are owned in some sort of corporate form of ownership. As such, it is difficult to determine/enforce who has a right to be in a home at any given moment.
 - State legislation provides that a municipality may not prohibit co-ownership of properties—which is the newest form of short-term rental.
- Ms. Hoffman reminded the Council that currently, STR’s are not prohibited in the Town Code. Therefore, they are allowed in Independence until such time as the Council changes the Code. She cautioned the Council to consider the Town’s General Plan Vision of a Resort Town when making the decision to restrict STRs. STRs are considered “pillows” by the State Tax Commission and are in line with the current General Plan vision.
- Mayor Sweat reported Airbnb rentals are declining. He feels they are declining because of problems caused by renters.
- Councilmember Wilson is not in favor of restricting STRs. She feels residents should be able to do what they want with their property.
- Public Comment by Jim Tolbert. Mr. Tolbert stated that in the general Park City area, which most likely includes surrounding towns, STRs have increased by about 2,000 pillows in the past 12 months. Rates have dropped approximately 17% the past 12 months.
- Ms. Hoffman mentioned a few things that could affect the decision to prohibit or regulate STRs:
 - If the Town decided to require licensing, regulating violations could become a staffing issue.
 - Anyone currently renting STRs is grandfathered in and would not be subject to regulation.
 - Not allowing STRs would, in the long run, impact the Town’s required Resort Cities Sales Tax Ratio of resort pillows to current full time residents.

- New developments under the background county zoning could and should regulate or prohibit STRs through CCR's. The homeowners' associations would be responsible for enforcing such provisions.
 - New zoning amendments to accommodate any proposed developments (Kimball, Town Center, Millstream, etc.) would tightly regulate STR operations.
- Councilmembers were in favor of not taking away property rights, but were interested in licensing and managing STRs, if manageable.
 - Jim Tolbert thought that, because of the "resort tax" requirement, he is not in favor of taking away property rights but would also like to see STRs regulated if manageable.
 - Public Comment from Kim Tolbert: Ms. Tolbert is not in favor of regulating STRs but would like all new developments to address STRs in the development plan and if and how they will regulate.
 - Ms. Hoffman suggested that if the Town decides to allow STRs and require a Business License, the Town should consider purchasing a product that would track STRs within a certain perimeter.
 - Ms. Hoffman will look further in to the cost of a product that would track STR's. The initial quote was approximately \$2,000 per year.
 - Ms. Bolger suggested the Town do research to see how many STRs are currently being rented in the Town to see if it would be worth spending money on purchasing a product.
 - Mayor Sweat would like to have more discussion on STRs.
 - Should the Town put a 6-month moratorium on STRs until a decision is made on how or if to regulate?
 - Ms. Hoffman suggested that if the Council isn't interested in taking a property right away from current residents, the Town could safely regulate the influx of STR in larger projects when the new projects request a re-zone.
 - After discussion, the Council decided to consider the following and report next month:
 - Talk to neighbors and get their opinion of STRs.
 - Should they pass a moratorium to prohibit STR's for 6 months?
 - Current STR's are grandfathered in and not subject to the moratorium or the restrictions if passed.
 - Should they give staff direction to regulate STR's with new development re-zones.
 - Should they reconsider the "Resort Tax" method of funding Town services (such as a new property tax) if STR's are restricted throughout the town?

- Ms. Hoffman went over the "Text My Gov" App proposal. This would allow the Town to send out Texts and Alerts to residents. Perimeters could be set determining who in the Town needed the alert. This service would cost approximately \$2,000 a year. Mayor Sweat asked Ms. Hoffman to get more information and put this item on the October agenda for approval.

6. Roads.

- Mayor Sweat reported there are no new concerns with the roads.
- Councilmember Wilson reported on her findings after talking with Wasatch County Public Works Director Terry Ekker about the speeding problem on Center Creek Road.
 - A speed study could be done. This could result in changing the speed limit, up or down, according to findings of the study.
 - Striping could be done to make the road appear smaller which could result in slower speeds.
- Councilmember Wilson also contacted Wasatch County Deputy Sheriff Jordan Leatham. Deputy Leatham had the following suggestions.
 - The County could set up a speed trailer which displays the speed limit and current speed of the vehicle.
 - The Sherriff's office could put Center Creek Road on its "property watch list."
 - The Town could contract with the County to have a full-time officer to patrol.
 - Speed bumps are not allowed by the County.
 - Dips don't work without curb and gutter.
- After discussion, the Council agreed to have Councilmember Wilson contact Deputy Leatham and ask if the Sherriff's office would set up the speed trailer on Center Creek Road and Duke Lane and put these roads on the "property watch list."

7. Development Update. Ms. Hoffman reported on current developments she is working on.

- Ms. Hoffman met with Signature Development. They are working on road and access widths and are planning to submit an application soon.
- The Gardner Group has purchased the Kimball property. No applications for this property have been received to date.
- Millstream is working with UBA (Town Center Developers) on the Town Entrance and water concerns. Millstream will be meeting with UDOT and Daniel Town on the Highway 40 entrance.
- UBI (the current Town Center owners) brought its Out-of-Pocket account current and submitted a small, additional deposit for future reviews. Ms. Hoffman suggested they present an overall plan and not one piece at a time. UBA is talking about 1 and 2 story commercial buildings for the Town Center (which is substantially less density than had

been proposed by the prior owners). She encouraged them to talk to the Gardner Group, and Mel McQuarrie, about the main road through the Town as depicted in the General Plan.

- A new buyer of a 5-acre parcel in Daniels Summit contacted Ms. Hoffman about possible development.

8. Public Comments.

- No comments from the public.

9. Adjourn.

- Councilmember Sabey moved to adjourn at 8:40 p.m.
- Councilmember Wilson seconded the motion.
- The motion was approved unanimously.

Dated this 8th day of October, 2024

Phil Sweat, Mayor

Cathy Bingham, Town Clerk