

**PARK CITY COUNCIL MEETING
SUMMIT COUNTY, UTAH
APRIL 18, 2013**

I ROLL CALL

Mayor Dana Williams called the regular meeting of the City Council to order at approximately 6 p.m. at the Marsac Municipal Building on Thursday, April 18, 2013. Members in attendance were Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Wade Carpenter, Chief of Police; Polly Samuels McLean, Assistant City Attorney; and Mark Harrington, City Attorney.

II PUBLIC INPUT

The Mayor invited public input.

Allowing All Terrain Vehicles on Park City Streets - Dave Novak, Silver Lake Village resident, expressed his desire to drive his street-legal ATV around town, which is more efficient than driving his Suburban. He understood that if a population is over 7,500 in a municipality ATVs cannot be driven on streets (without approval). He does not understand the rationale because the County allows them and Heber City allows them with 10,000 people. He called Lehi where the population is 50,000 and ATVs are allowed on streets. He spoke with Chief Carpenter about this and what 7,500 people really means is that Park City has a legitimate reason to prohibit them on streets. He urged the City Council to consider opening the city limits to street-legal ATVs.

Chief Wade Carpenter stated that he didn't recall having a conversation with Mr. Novak but referred to the request for an ATV taxi service a couple of years ago using a street-legal six passenger ATV which he deems more *street-legal* than a regular ATV. The way that the law is written gives communities the option to allow them because each community is different. Park City is unique in the sense that there are 10,066,000 people who travel SR224 a year which has a huge impact on access and egress and is very different than Hurricane City, Heber City or Lehi where there is access to trail systems. He expressed that his issue is mixing those types of vehicles with the traffic loads in our community which is dangerous. This is the reason why the Legislature gives communities the opportunity to look at those numbers and to determine what makes sense for the town. The questions are do we want ATV traffic mixed on Main Street? Do we have access to trails? Do we want them on private property on the ski resorts? All of these things play into the overall decision. He urged Council to look at the issues, traffic loading, noise, and enforcement on private property. He explained the problems Brian Head experienced with private property enforcement and he felt that would happen in Park City.

The Mayor asked members if anyone was interested in revisiting this issue. Liza Simpson recalled in-depth discussions on this issue over a number of meetings. Her primary concern is safety, not only the amount of traffic on SR224 but the fact that a large amount of traffic includes visitors who probably are not expecting to see ATVs on the road. She has no desire to revisit the subject. Other members agreed except for Dick Peek who felt that a state licensed street-legal vehicle is fine. Chief Carpenter explained that motorcycles are classified differently than ATVs.

Polly Samuels McLean clarified the state statute addressing street legal ATVs. When a municipality has a population of 7,500 or more people, the state delegates the authority of

whether or not to allow such street-legal vehicles on highways and streets. Mark Harrington interjected that a state license is required which is valid in any community that allows ATVs on streets.

Dave Novak argued that with regard to safety, the street-legal ATV is the closest thing to a car. There are seatbelts and riders are required to wear protective goggles or to have a windshield unlike motorcycles, scooters, or mopeds. ATVs are so much safer. He understands the concern of heavy traffic on SR224, but US40 goes right down the middle of Heber City and Highway 89 goes through Lehi.

The Mayor stated that the majority of the City Council is not interested in pursuing Mr. Novak's request. With no further public input, a motion was made to close the meeting.

III ADJOURNMENT

With no further business, the regular meeting of the City Council was adjourned and a closed session convened.

MEMORANDUM OF CLOSED SESSION

The City Council met in closed session at approximately 6:15 p.m. Members in attendance were Mayor Dana Williams, Andy Beerman, Alex Butwinski, Cindy Matsumoto, Dick Peek, and Liza Simpson. Staff present was Diane Foster, City Manager; Brooke Moss, Human Resources Manager; Dani Lo Feudo, Human Resources Analyst; Polly Samuels McLean, Assistant City Attorney; Rhoda Stauffer, Housing Specialist; Phyllis Robinson, Public Affairs Manager; Leah Loomis, Legal Intern; and Mark Harrington, City Attorney. Alex Butwinski, "I move to close the meeting to discuss property, personnel and litigation". Liza Simpson seconded. Motion carried unanimously. The meeting adjourned at approximately 7:30 p.m. Andy Beerman, "I move to adjourn". Dick Peek seconded. Motion unanimously carried.

The meeting for which these minutes were prepared was noticed by posting at least 24 hours in advance and by delivery to the news media two days prior to the meeting.

Prepared by Janet M. Scott, City Recorder

