

## SOUTH WEBER CITY COUNCIL AGENDA

**PUBLIC NOTICE** is hereby given that the **City Council of SOUTH WEBER CITY**, Utah, will meet in a regular public meeting on **Tuesday, 8<sup>th</sup> Jan 2019** at the **City Council Chambers, 1600 E. South Weber Dr.**, commencing at **6:00 p.m.**

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### **COUNCIL MEETING**

1. Pledge of Allegiance: Councilmember Hyer
2. Prayer: Councilmember Petty
3. Approval of Consent Agenda
  - a. Approval of 2018 December 11 City Council Meeting Minutes
4. Public Comment:
  - a. Please state your name and address
  - b. Please keep public comments to 3 minutes or less per person
  - c. Please address the entire city council
  - d. City council will not respond during the public comment period
5. Development Concept Presentation by Fred Gunderson
6. **RES 19-01:** Appointment of Mayor Pro-Tempore
7. **RES 19-02:** South Weber Soccer Facility - Final Acceptance
8. **ORD 19-01:** Transient Room Tax
9. Reports:
  - a. Mayor – on designated committee responsibilities
  - b. City Council – on designated committee responsibilities
  - c. City Manager – on current events and future agenda items
  - d. Planning Commission Liaison – meeting and current development update
  - e. Adjourn

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO: 1. CITY OFFICE BUILDING 2. FAMILY ACTIVITY CENTER 3. CITY WEBSITE [www.southwebercity.com](http://www.southwebercity.com) 4. UTAH PUBLIC NOTICE WEBSITE [www.pmn.utah.gov](http://www.pmn.utah.gov) 5. EACH MEMBER OF THE GOVERNING BODY 6. THOSE LISTED ON THE AGENDA

DATE: Jan 3rd, 2019

  
CITY RECORDER: Mark McRae

IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT, INDIVIDUALS NEEDING SPECIAL ACCOMMODATIONS DURING THIS MEETING SHOULD NOTIFY THE CITY RECORDER, 1600 EAST SOUTH WEBER DRIVE, SOUTH WEBER, UTAH 84405 (801-479-3177) AT LEAST TWO DAYS PRIOR TO THE MEETING.

# SOUTH WEBER CITY CITY COUNCIL MEETING

**DATE OF MEETING:** 11 December 2018

**TIME COMMENCED:** 6:00 p.m.

**LOCATION:** South Weber City Office at 1600 East South Weber Drive, South Weber, UT

**PRESENT: MAYOR:**

Jo Sjoblom

**COUNCILMEMBERS:**

Blair Halverson

Kent Hyer

Angie Petty

Merv Taylor

Wayne Winsor

**FINANCE DIRECTOR:**

Mark McRae (excused)

**CITY PLANNER:**

Barry Burton

**DEPUTY RECORDER:**

Shelbie Cook

**CITY ENGINEER:**

Brandon Jones

**CITY MANAGER:**

Dave Larson

**Transcriber:** Minutes transcribed by Michelle Clark

**ATTENDEES:** Cole Fessler, Tammy Long, Wayne Bennion, Ken Carson, Suzanne Mitchell, and Lyle Jorgensen.

Mayor Sjoblom called the meeting to order and welcomed those in attendance.

**PLEDGE OF ALLEGIANCE:** Mayor Sjoblom

**PRAYER:** Council Member Taylor

**CONFLICT OF INTEREST:** None

**APPROVAL OF CONSENT AGENDA:**

- Approval of November 2018 Check Register
- Approval of November 27, 2018 City Council Minutes

Council Member Hyer moved to approve the consent agenda as written. Council Member Halverson seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

**PUBLIC COMMENTS:** Mayor Sjoblom said anyone who would like to participate in public comment may come to the pulpit, state name and address, and keep comments to three minutes.

**Tammy Long, 2178 E. Deer Run Drive**, said she lives in a Residential Moderate Zone. She is in protest of short-term rentals. She said this is a business and they make money off this. She read the State code which states consent is needed from surrounding property owner. She said if the city is looking at allowing this type of business in her zone, they will not get her consent.

**Presentation by the Wasatch Front Regional Council on Quarter Cent Sales Tax**

Mayor Sjoblom stated Davis County has the option of increasing sales tax by a quarter percent (.25%) and is looking for support from the cities within the county.

Wayne Bennion from the Wasatch Front Regional Council approached the City Council and stated he is here to present some information on why the County is looking into this, how it could affect South Weber City, and what the additional money could be used for.

**BACKGROUND:** There are currently four “local option” transportation sales taxes authorized by Utah state code. These options are sometimes referred to as “quarters” (meaning quarters of a percent (0.25%), not calendar quarters). Davis County has imposed the first, second and fourth quarters.

The third quarter is available for imposition by the County. The third quarter is a tool for local governments to receive funding for priority transportation needs in their communities, including projects identified in the Regional Transportation Plan – the Wasatch Choice 2050 – and Utah’s Unified Transportation Plan.

**REVENUE GENERATION:** Anticipated revenues from imposing the 3rd quarter 0.25% sales tax would total approximately \$12.6 million annually in Davis County (countywide). The county legislative body has until June 30, 2022 to impose this quarter.

**PROCESS FOR IMPOSITION:** Action by the County is required to impose the local option sales tax. In 2018, the Legislature passed Transportation Governance Amendments (SB136), which made some modifications to the local options, including giving the county legislative body the authority to impose the third quarter without a voter referendum. The authority to impose this local option sales tax expires June 30, 2022.

**ELIGIBLE USES:**

The eligible uses of the local option funds are defined by Utah Code 59-12-2217.

- The funds can be used for:
  - o new capacity
  - o congestion mitigation
  - o corridor preservation
  - o debt service or bond issuance costs
- The funds can be used for a project or service “relating to a regionally significant transportation facility”, and can include the following types of facilities:
  - o a principal arterial highway or minor arterial highway
  - o a fixed guideway that extends across two or more cities or unincorporated areas

- o an airport of regional significance
- o a collector road.
- The projects or services must be part of the county and municipal master plan and the MPO (WFRC) regional transportation plans.
- The following are examples of eligible projects:
  - o Road reconstruction with minor widening, widening, new construction, intersection improvements, corridor preservation (collector or greater).
  - o Transit construction and corridor preservation.
  - o Preliminary engineering, environmental studies, and project implementation or construction.
- The following are examples of ineligible projects:
  - o Eminent domain
  - o Maintenance
  - o Stand-alone active transportation projects

**PROCESS FOR PRIORITIZING FUNDS:** The Code requires that a process be developed for prioritization of the funds:

- The Council of Governments (COG) shall develop a written prioritization process and submit the process to the Executive Appropriations Committee for approval.
  - o The process must specify the weighted criteria, data, and application procedures that the COG will use to rank and prioritize projects.
  - o The weighted criteria must include cost effectiveness, mitigation of regional congestion, compliance with applicable federal laws/regulations, economic impacts, tax revenues needed for maintenance and operations, and any other provisions the COG deems appropriate.
- Each year, the COG will create a priority list of regionally significant transportation facility projects or services using the written prioritization process.
  - o The COG will use the weighting system to prioritize projects and explain any deviations from the weighted ranks.
  - o The COG also must hold a public hearing on the priority list.
  - o The COG then submits the list to the county legislative body for approval.

**Note: Utah Code 59-12-2218 creates another option for the 3rd quarter.**

- A county, city or town can impose 0.10% or 0.25%.
- If 0.10%, the funds are deposited into UDOT's County of the 2nd Class State Highway Projects Fund to fund transportation or airport projects, or for airport projects.
- If 0.25%, the county determines expenditures of the funds, from projects recommended by the MPO
  - o Must deposit 0.05% into Local Highway and Transportation Corridor Preservation Fund.
  - o For the remaining 0.20%, uses include state or local highway (principal and minor arterials, major and minor collectors); public transit; class B & C roads; traffic and pedestrian safety (class B roads, curb and gutter, safety, traffic sign, traffic signal, street lighting, or combination); construction of active transportation facility that connects origins/destinations.

Mayor Sjoblom stated South Bench Drive is an eligible project. She asked if this works the same way as Prop 1 funds where cities apply for a grant and the county decides the priority. The 4<sup>th</sup>

Quarter Prop 1 funds are different. He said a one tenth goes to cities, one tenth to UTA, and one tenth to county. He said the 3<sup>rd</sup> Quarter is not to distribute equally or by population. They don't preclude geographic equity, but intent is not to make it only by geographic distribution. He said for example, Weber County has a sub-committee that meets regularly to evaluate projects and then they make a recommendation to the COG. He said it is the cities that propose projects for consideration. Discussion took place regarding Weber County and Salt Lake County implementing the tax. Wayne said not only is the tax eligible to be spent throughout the county, in addition, having this additional source of local funds (approx. 12 million per year), it allows local governments to leverage State funds. Mayor Sjoblom asked if the council is willing to direct city staff to draft a letter. Council Member Taylor suggest moving forward with the city's support. Council Member Halverson is in favor of it. Mayor Sjoblom said it sounds like the majority are in favor. Dave Larsen said he will draft a letter.

### **Nightly Rentals Discussion**

Mayor Sjoblom stated nightly rentals, commonly referred to as short-term or vacation rentals, are beginning to pop up around the city. The City Council has previously directed staff to research what other cities have done to address the issue in their communities. We also held a Public Comment period that ended November 30th that included a Public Open House on November 20th and received 51 responses. City Council has reviewed the public comments and will now discuss how to proceed in addressing this issue within the community.

Council Member Hyer said there are some rentals that are completely out of hand. He was hoping for a list of requirements to include a way for neighbors to voice their concerns back here. He said there are individuals that don't want this in the community, but people do have a right to rent their homes. Dave Larson read the results from the city's recent survey on short term rentals.

Council Member Winsor said he has given some introspective thought to this item. He said his personal opinion is that people in this city value this community and safety. He said anything that threatens this and they will have an emotional response. He said if we don't allow it, they will come anyways, and then we will have to enforce it. He said rules and regulations need to be established. He said it is a business in communities, and they need to be registered. He feels the city needs to establish rules and regulations regarding operations. He suggested looking at what other cities are doing that are working. He suggested if we do these types of short-term rentals, and 80% are playing by the rules, they should be given a break with the business license fee. Council Member Taylor asked how many short-term rentals are we looking at. Dave said there are a handful. Council Member Halverson said currently the city does not have a zone to completely stop short term rentals. Dave said we can put in city ordinances zones that will and will not allow it. Council Member Winsor discussed who typically uses these types of rentals. (i.e. wedding parties, graduations, reunions, etc.) He said it is usually people who do not want to rent a motel or hotel room. Council Member Hyer said there were individuals who are concerned about safety. Council Member Petty said she doesn't feel that it should be restricted to certain zones. Mayor Sjoblom stated what she is hearing is that the council would like specific regulations and an ordinance drafted to address that. Council Member Halverson suggested assigning a committee to sit down and discuss it. Mayor Sjoblom suggested an ad hoc committee. Council Member Winsor and Halverson volunteered to serve on the committee. Council Member Petty will be an alternate.

**Select Cook Property Open Space Conceptual Design**

Mayor Sjoblom stated a development agreement was reached with the developers of the Harvest Park Subdivision on the Cook Property adjacent to the Posse Grounds that provides 4 acres of public open space. Part of the open space will include a detention basin that will be built by the developer and in order to ensure the location of the detention basin will provide adequate space and a convenient layout for future uses, the City would like to develop a Concept Plan for the area prior to any work being done by the developer.

Mayor Sjoblom stated the City Council tasked Jones & Associates with creating concept level design options for potential uses and layout of the area. In the most recent Parks & Recreation Committee Meeting, three options were presented and reviewed, and a preferred option selected by the Committee. The Committee is now bringing forward that preferred option to the full City Council for review and approval.

Mayor Sjoblom said we also would like to brainstorm ideas for the name of this park. Some ideas have already been floated around that refer to the heritage of the area and its use as the Posse Grounds, that identify what would be its future use, that call attention to its location, or associate it with the name of the subdivision – Heritage Park, Legacy Park, Tradition Park, Posse Park, Happy Hounds, Canyon View Park, Riverside Park, Riverbend Park, Harvest Park. One of these could be selected or a new name idea generated. Council Member Winsor suggested South Bench Park.

The Council reviewed the three designs from their packet. Council Member Winsor would like to know how they came up with the options of posse grounds, Dog Park, and pickle ball courts. He said rules need to be put in place for the use of any dog park. He would suggest some type of registration and key card entrance for the dog park. Council Member Halverson said after closing the dog park on Deer Run Drive, it was suggested moving it to this location. He said pickle ball was highly requested on the survey. Council Member Winsor questioned if the uses are mutually compatible. Council Member Petty said the pickle ball courts can be used for tournaments. It was stated that the restrooms will need a renovation. Council Member Halverson said the parking lot can be expanded but will affect the trees that we are trying to preserve. Council Member Winsor said the city survey states that pickle ball was the number one request. Council Member Petty said it is difficult to get water to the posse grounds.

**Council Member Winsor moved to open the public comment. Council Member Taylor seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING \*\*\*\*\***

**Suzanne Mitchell, representing Weber River Wranglers, 7494 S 1025 E.,** she discussed her concerns with the parking and the space needed for horses. She would like to make sure the 6 ft. fence bordering the arena has a gate. She is concerned about safety for children. She said the arena needs to stay the size it is. She said the Weber River Wranglers is growing. She is concerned about who will maintain the dog park. She said there needs to be shovels and wheel barrows for manure. She asked about the dimensions of the exit and entrance. She suggested the

park to be named Weber Canyon Park, Weber Canyon Heritage Park, Weber Canyon Equestrian Park, or South Weber Wrangler Park. She asked if there is going to be lighting.

**Council Member Taylor moved to close public hearing. Council Member Halverson seconded. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

**\*\*\*\*\* PUBLIC HEARING CLOSED \*\*\*\*\***

Council Member Hyer said it feels like there are too many diverse activities going on at this park. Council Member Petty feels this park would be used and is a fantastic option for the community. Brandon Jones, City Engineer, said the area around the posse grounds is going to change because of development. Council Member Halverson said they have discussed fencing for safety of people and the animals. Brandon said the dog park is in the detention basin. It was stated the parking lot on the conceptual drawing is the same size as the current posse grounds parking lot.

### **Adoption of the 2019 City Council Meeting Schedule**

**Council Member Winsor moved to approve the Adoption of the 2019 City Council Meeting Schedule. Council Member Taylor seconded the motion. Mayor Sjoblom called for the vote. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.**

### **REPORTS:**

**Mayor Sjoblom:** She attended the Legislative Policy Committee meeting in which members of the state legislature and others are blaming cities for driving the increase on housing costs. The Utah League of Cities and Towns (ULCT) is working to educate the public on the other factors that drive costs up and also show good faith by cities by constructing a bill, SB 136. This bill will encourage cities to have a Moderate-Income Housing Plan as part of their general plan, and a report of how this Moderate-Income Plan is being implemented will have to be submitted every other year to the Department of Work Force Services. If cities fail to do this, they will not be penalized but will not be eligible for TIF (Transportation Investment Fund) which had around \$702 million last year to allocate to local transportation projects. Cities will want to be eligible for this fund. The Legislative Policy Committee looks at upcoming legislative bills proposed and asks 5 questions:

1. What is the problem the bill is trying to solve?
2. Is the problem best addressed at the local level or the state level?
3. Is the bill a one-size-fits-all approach?
4. Does the bill restrict mayors and councils from letting cities and counties work?
5. Does the bill create an unfunded mandate or harm city or county budgets?

If the answer to #3, 4, 5 is yes than this committee is unlikely to support the bill. The Committee will support the bill if 60% or more of our members are in favor of it.

**Council Member Taylor:** He reported that the Safety Committee met today to discuss patrol hours, etc. of Davis County Sheriff’s Department. He recognized Captain Fessler’s comments in the Safety Committee meeting.

**Council Member Petty:** She said the Parks Committee met to discuss the conceptual drawing of the Cook property.

**Council Member Winsor:** He extended a warm holiday wish to everyone.

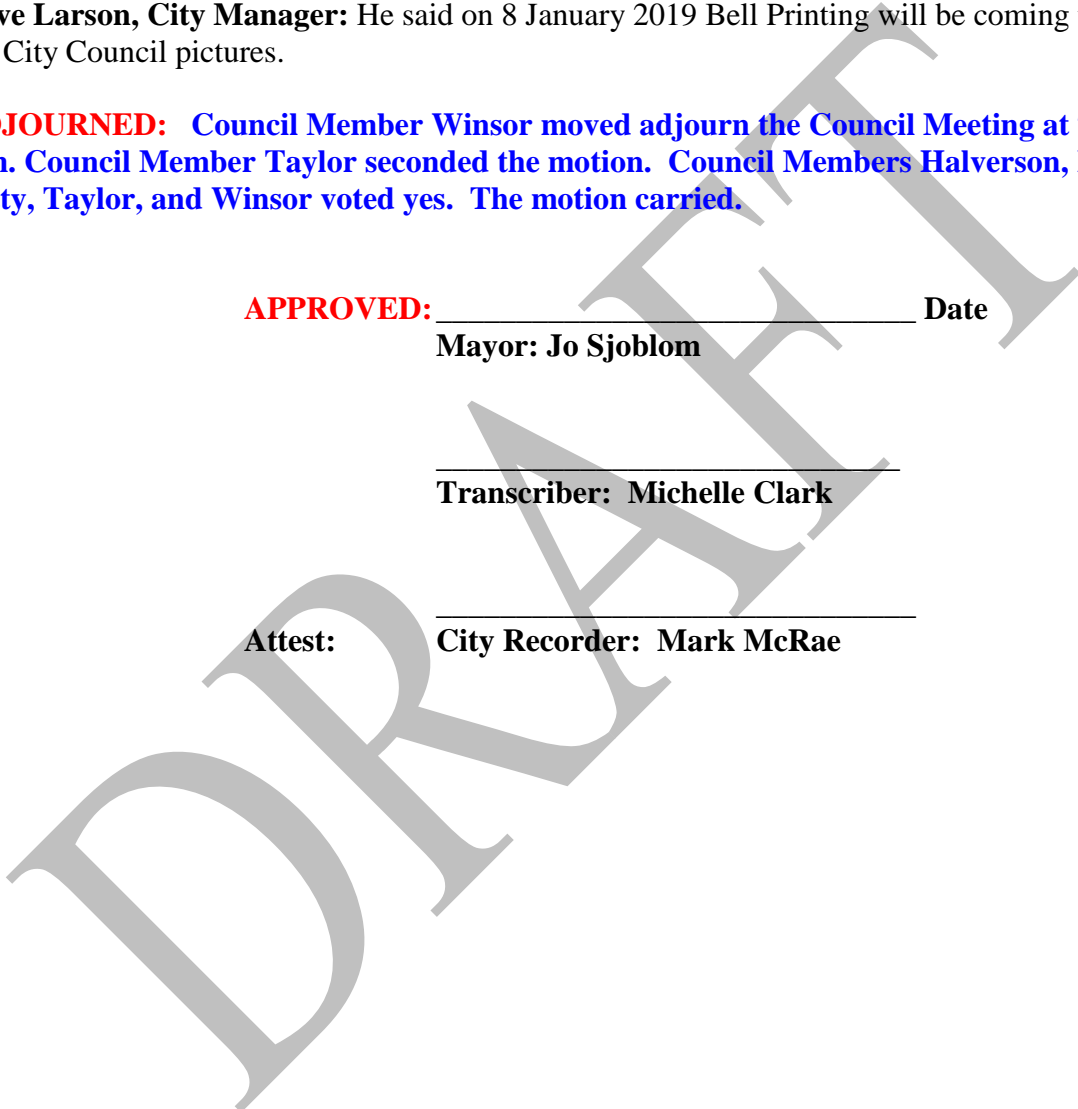
**Dave Larson, City Manager:** He said on 8 January 2019 Bell Printing will be coming to update the City Council pictures.

**ADJOURNED:** Council Member Winsor moved adjourn the Council Meeting at 7:25 p.m. Council Member Taylor seconded the motion. Council Members Halverson, Hyer, Petty, Taylor, and Winsor voted yes. The motion carried.

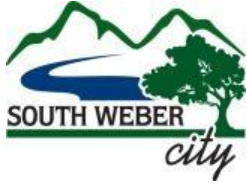
**APPROVED:** \_\_\_\_\_ Date  
Mayor: Jo Sjoblom

\_\_\_\_\_  
Transcriber: Michelle Clark

Attest: \_\_\_\_\_  
City Recorder: Mark McRae







**Council Meeting Date:** January 8, 2019

**Name:** David Larson

**Agenda Item:** #5

**Objective:** Development Concept Presentation by Fred Gunderson

**Background:** Developer is here to present a concept and receive City Council feedback for a potential commercial development on the east side of US-89 off Cornia Drive.

**Summary:** Development Concept Presentation by Fred Gunderson

**Committee Recommendation:** na

**Planning Commission Recommendation:** na

**Staff Recommendation:** na

**Attachments:** na

**Budget Amendment:** na

**SOUTH WEBER CITY**

**RESOLUTION 19-01**

**APPOINTMENT OF MAYOR PRO-TEMPORE**

**Whereas**, in the possible absence of Mayor Jo Sjoblom, the City Council of South Weber City desires to appoint a Mayor Pro-Tempore; and

**Whereas**, the Mayor Pro-Tempore will act in the official capacity of Mayor in the Mayor’s absence;

**NOW THEREFORE**, be it resolved by the Council of South Weber City, in the State of Utah, as follows:

Council Member Wayne Winsor shall be appointed to serve as Mayor Pro-Tempore for a period of one year from January 2019 to December 2019.

**REPEALER CLAUSE:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Blair Halverson	_____	_____	_____	_____
Kent Hyer	_____	_____	_____	_____
Angie Petty	_____	_____	_____	_____
Merv Taylor	_____	_____	_____	_____
Wayne Winsor	_____	_____	_____	_____

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Jo Sjoblom, Mayor, South Weber City

Attest

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Mark McRae, Recorder, South Weber City

December 20, 2018

South Weber City Corporation  
Attn: David Larson  
1600 East South Weber Drive  
South Weber, Utah 84405

**RE: South Weber Soccer Facility (Smith & Edwards Subdivision) - Final Acceptance**

Dear David:

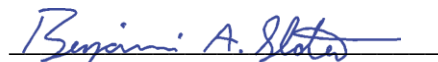
I have completed an inspection of the improvements in the above mentioned subdivision and found them to be completed satisfactorily and to meet minimum requirements of South Weber City standards in accordance with engineering subdivision plans, site improvements, and conditions set forth in the Conditional Use Permit submitted and previously approved. We now recommend granting Final Acceptance of this subdivision and its improvements.

All remaining escrow funds can be released at this time (see attached escrow release). Please note I am authorizing the release of the slurry seal without it being completed. Typically, the City collects these funds and completes the work with other city seal coat projects. As this is a state road, and UDOT will be doing a mill and fill overlay project in this area next summer, completing this slurry seal would be a waste of money, as it will be removed with the milling of the road. I am recommending that it be released along with all other escrow funds.

If you have any questions, or if I can be of any help, please let me know.

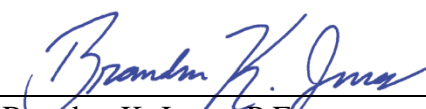
Sincerely,

JONES AND ASSOCIATES  
Consulting Engineers  
South Weber City Engineers



Benjamin A. Slater, P.L.S.  
City Inspector

Date of Final Acceptance to be determined by the City Council

Accepted by   
Brandon K. Jones, P.E.  
City Engineer



**ESCROW RELEASE SUMMARY**

<b>Owner:</b> South Weber City	<b>Estimate #:</b> 2
<b>Project:</b> South Weber Soccer Facility (Smith & Edwards Subd.)	<b>Date:</b> December 20, 2018
<b>Developer:</b>	

ITEM NO.	LINE ITEM DESCRIPTION	QUANTITY	UNIT PRICE	CURRENT UNITS OR % COMPLETE	TO DATE UNITS OR % COMPLETE	CURRENT BILLING	TOTAL BILLED TO DATE
<b>CULINARY WATER SYSTEM</b>							
1	8" Gate Valve	1 ea	\$1,800.00	0.25 ea	1.00 ea	\$450.00	\$1,800.00
2	1" Copper Service w/ Meter	1 ea	\$2,200.00	ea	1 ea		\$2,200.00
3	Connect to existing 8" main w/ Hot Tap	1 ea	\$2,100.00	ea	1 ea		\$2,100.00
<b>SANITARY SEWER SYSTEM</b>							
4	Connect Pumphline to Existing Manhole	1 ls	\$1,500.00	ls	1 ls		\$1,500.00
<b>SECONDARY WATER SYSTEM</b>							
5	Single Service and Connection	1 ls	\$1,000.00	ls	1 ls		\$1,000.00
<b>MISCELLANEOUS</b>							
6	SWPPP	1 ls	\$2,400.00	ls	1 ls		\$2,400.00
<b>SR-60 (SOUTH WEBER DRIVE) IMPROVEMENTS</b>							
7	Granular Borrow	675 ton	\$12.00	ton	675 ton		\$8,100.00
8	Base Course	589 ton	\$14.00	ton	589 ton		\$8,246.00
9	Bituminous Surface Course	388 ton	\$70.00	ton	388 ton		\$27,160.00
10	18" RCP ASTM-C-76 CL III Pipe Culvert	80 lf	\$40.00	lf	80 lf		\$3,200.00
11	Slurry Seal	896 sy	\$2.00	896 sy	896 sy	\$1,792.00	\$1,792.00
12	Over Excavation	747 cy	\$4.50	cy	747 cy		\$3,361.50
13	Saw Cut & Remove Existing Asphalt	698 sf	\$3.00	sf	698 sf		\$2,094.00
14	Relocate Utility Poles	2 ea	\$4,000.00	ea	2 ea		\$8,000.00
15	Asphalt Patch	40 sf	\$5.00	sf	40 sf		\$200.00
16	UDOT Temp Traffic Control	1 ls	\$2,000.00	ls	1 ls		\$2,000.00
17	UDOT Signs	1 ea	\$650.00	ea	1 ea		\$650.00
18	UDOT Shoulder Work	1 ls	\$4,000.00	ls	1 ls		\$4,000.00
19	UDOT Striping	1 ls	\$1,200.00	ls	1 ls		\$1,200.00
<b>GUARANTEE OF IMPROVEMENTS</b>							
20	15% CONTINGENCY	1 LS	\$12,150.53	1 LS	1 LS	\$12,150.53	\$12,150.53
21	10% GUARANTEE	1 LS	\$8,100.35	1 LS	1 LS	\$8,100.35	\$8,100.35
<b>TOTALS</b>						<b>\$22,492.88</b>	<b>\$101,254.38</b>
<b>AMOUNT OF REQUEST</b>						<b>\$22,492.88</b>	<b>\$101,254.38</b>

*Jones & Associates Consulting Engineers*

**SOUTH WEBER CITY**

**RESOLUTION 19-02**

**APPROVAL OF FINAL ACCEPTANCE – SOUTH WEBER SOCCER FACILITY (SMITH AND EDWARDS SUBDIVISION)**

**Whereas**, Jones and Associates, Consulting Engineers for South Weber City, has conducted a full inspection of the improvements made for South Weber Soccer Facility (Smith & Edwards Subdivision) and has determined that the improvements in the subdivision have been completed satisfactorily to meet minimum requirements according to city standards and specifications; and

**Whereas**, Jones and Associates recommends Final Acceptance of South Weber Soccer Facility (Smith & Edwards Subdivision);

**NOW THEREFORE**, be it resolved by the Council of South Weber City, in the State of Utah, as follows:

**SECTION 1: ADOPTION** “19-02 Approval of Final Acceptance of South Weber Soccer Facility (Smith & Edwards Subdivision)” of the South Weber Municipal Resolutions is hereby *added* as follows:

**ADOPTION**

19-02 Approval of Final Acceptance of South Weber Soccer Facility (Smith & Edwards Subdivision) (*added*)

South Weber City approves Final Acceptance of South Weber Soccer Facility (Smith & Edwards Subdivision) with the following conditions:

1. All remaining escrow funds can be released at this time.

**REPEALER CLAUSE:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

	<b>AYE</b>	<b>NAY</b>	<b>ABSENT</b>	<b>ABSTAIN</b>
Blair Halverson	_____	_____	_____	_____
Kent Hyer	_____	_____	_____	_____
Angie Petty	_____	_____	_____	_____
Merv Taylor	_____	_____	_____	_____
Wayne Winsor	_____	_____	_____	_____

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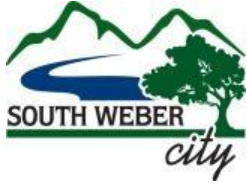
Jo Sjoblom, Mayor, South Weber City

Attest

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Mark McRae, Recorder, South Weber City





**Council Meeting Date:** January 8, 2019

**Name:** David Larson

**Agenda Item:** #8

**Objective:** ORD. 19-01 Transient Room Tax

**Background:** Transient Room Tax is a type of sales tax. Utah State Code 59-12-3A grants Cities the authority to enact a maximum 1% Municipal Transient Room Tax on charges for “amounts paid or charged for tourist home, hotel, motel, or trailer court accommodations and services that are regularly rented for less than 30 consecutive days” Utah Code 59-12-103(1)(i).

A Transient Room Tax may take effect on the first day of the first billing period that begins after the effective date of the enactment of the tax, which in this case would be April 1, 2019.

This ordinance would apply to any future hospitality industry business that locate in South Weber City in any zone. The most imminent potential future revenue streams where the Transient Room Tax would apply are the proposed RV Resort on Cottonwood Drive and short-term rentals once the City finalizes a regulatory ordinance.

**Summary:** Adopt ORD 19-01 implementing a Municipal Transient Room Tax

**Committee Recommendation:** na

**Planning Commission Recommendation:** na

**Staff Recommendation:** na

**Attachments:** ORD. 19-01

**Budget Amendment:** na

**ORDINANCE NO. 19-01**

**AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL ADOPTING CITY CODE CHAPTER 3-10, ENACTING A TRANSIENT ROOM TAX**

WHEREAS, Utah municipalities have been given the authority to enact a transient room tax pursuant to and in accordance with U.C.A. Section 59-12-301, et seq.; and

WHEREAS, South Weber City is a municipal corporation duly organized and existing under the laws of the State of Utah; and

WHEREAS, the City Council finds that in conformance with the provisions of UCA § 59-12-352, the governing body of the city may adopt and levy a Transient Room Tax within the City; and

WHEREAS, the City Council finds that the it is in the public interest to adopt and levy a Transient Room Tax within the City and the adoption of this Ordinance will serve those ends; and

WHEREAS, the City Council finds that the requirements herein should be effective upon passage of this Ordinance; and

WHEREAS, the City Council finds that the public safety, health and welfare is at issue in this matter and requires action by the City as noted above;

**NOW, THEREFORE, BE IT ORDAINED** by the South Weber City Council that Chapter 3-10 of the South Weber City Code is hereby adopted to read as attached hereto as Exhibit A. This Ordinance shall take effect immediately upon passage and publication or posting.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

**ATTEST:**

\_\_\_\_\_  
**MAYOR: Jo Sjoblom**

\_\_\_\_\_  
**Mark McRae, City Recorder**

Roll call vote is as follows:

Mr. Halverson	Yes	No
Mr. Hyer	Yes	No
Ms. Petty	Yes	No
Mr. Taylor	Yes	No
Mr. Winsor	Yes	No

**CERTIFICATE OF POSTING**

I, the duly appointed recorder for the City of South Weber, hereby certify that Ordinance 19-\_\_\_\_ was passed and adopted the \_\_\_\_ day of \_\_\_\_\_ 2019, and also certify that complete copies of the ordinance were posted in the following locations within the municipality this \_\_\_\_ day of \_\_\_\_\_, 2019:

1. South Weber Elementary, 1285 E. Lester Drive
2. South Weber Family Activity Center, 1181 E. Lester Drive
3. South Weber City Building, 1600 E. South Weber Drive

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**Mark McRae, City Recorder**

# **EXHIBIT A**

## CHAPTER 10

### TRANSIENT ROOM TAX

<b>3-10-010</b>	<b>Definitions</b>
<b>3-10-020</b>	<b>Tax Imposed</b>
<b>3-10-030</b>	<b>Exclusions from Rent</b>
<b>3-10-040</b>	<b>Collection of Tax</b>
<b>3-10-050</b>	<b>Penalties and Interest</b>

#### **3-10-010**      **Definitions**

As used in this chapter:

- A. “Public accommodation” means any place providing temporary sleeping accommodations to the public as specified in UCA Section 59-12-103(1)(i), including tourist home, hotel, motel, or trailer court accommodations.
- B. “Rent” includes all room charges paid or charged for transient accommodations and services regularly rented for less than 30 consecutive days, and also includes timeshare fees or dues.
- C. “Transient” means a person who occupies a public accommodation for less than 30 consecutive days.

#### **3-10-020**      **Tax Imposed**

There is levied and imposed a tax on the rent charged to transients occupying public accommodations in an amount that is equal to 1% on charges for the accommodations and services described in UCA Subsection 59-12-103(1)(i).

#### **3-10-030**      **Exclusions from Rent**

For purposes of this chapter, the following shall be excluded from the rent:

- A. the amount of any sales or use tax imposed by the state of Utah or by any other government agency upon a retailer or consumer;
- B. the amount of any transient room tax levied under authority of Utah Code Annotated title 17, chapter 31, as amended, or its successor;
- C. receipts from the sale of or service charge for any food, beverage or room service charges in conjunction with the occupancy of the suite or room not included in the base room rate; and
- D. charges made for supplying telephone service, gas or electrical energy service not included in the base room rate.

#### **3-10-040**      **Collection of Tax**

A. The City shall contract with the Utah State Tax Commission for assessment, administration, and enforcement services for all taxes assessed under this chapter. Sums collected shall be remitted to the City in accordance with that agreement.

B. All persons subject to this chapter shall make remittances in accordance with rules and regulations promulgated by the State Tax Commission and as otherwise mandated by state law.

C. The tax enacted under this chapter shall be paid quarterly, on the first day of January, April, July, and October of each calendar year, unless the licensee is required to submit monthly remittances pursuant to state law or regulations promulgated by the commission. Quarterly payments under this chapter are timely, provided all sums owing are paid in full no later than 30 days from the quarterly payment date.

D. Licensees and all vendors or other persons subject to this chapter, including persons acquiring a business or its assets, are liable for all penalties, interest, costs of collection, statutory liens, and related remedies available to the State Tax Commission for collection of unpaid taxes under the Utah Sales and Use Tax Act, which remedies are incorporated by reference.

### **3-10-050 Penalties and Interest**

A. The penalty for failure to file a report within the time prescribed in this chapter is the greater of \$20.00 or 10% of the unpaid tax due on the report.

B. Interest on any underpayment, deficiency or delinquency of any tax or fee administered by the commission shall be computed from the time the original return is due, to the date the payment received, at the rate of two percentage points above the federal short-term rate.