

Sterling Town Council  
**Public Hearing Minutes**  
 Tuesday September 17, 2024  
 6:30 PM

<b>Council members attending:</b>	<b>Mayor Keenan Pearson, Yvonne Larsen, Tami Privett, Kim Killpack, Zeb Wignall.</b>
<b>Council members excused:</b>	<b>N/A</b>
<b>Staff attending:</b>	<b>Kristina Winkel, Jim Egnar</b>
<b>Community attending:</b>	<b>Helen Pearson, Cade Penny,</b>
<b>Conducting:</b>	<b>Keenan Pearson, Mayor. Meeting called to order at: 6:34</b>

<b>Agenda item number</b>	<b>Discussion and action items</b>	<b>Result</b>
<b>1. Welcome: Mayor Pearson</b>	Mayor welcomes council, staff and community present.	
<b>2. Pledge of Allegiance</b>	Council, staff and community present stand and recite the pledge of allegiance	
<b>3. Roll Call</b>	See above for attendance.	
<b>4. Presentation and discussion on the proposed Transportation Tax ordinance and the</b>	<p>Kris reads the proposed Transportation Tax ordinance</p> <p style="text-align: center;"><b>AN ORDINANCE ADOPTING A SALES AND USE TAX FOR TRANSPORTATION</b></p>	

<p><b>proposed Transient Room Tax ordinance.</b></p>	<p><b>WHEREAS</b>, Section 59-12-2215 of the Utah Code Annotated authorizes a Town to impose a sales and use tax for transportation in an amount not to exceed 0.30%; and</p> <p><b>WHEREAS</b>, the Town of Sterling has determined that it is in the best interest of the Town, its citizens and those utilizing the streets and roads of the Town to impose said tax;</p> <p><b>THEREFORE</b>, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE Town of Sterling, Sanpete County, STATE OF UTAH:</p> <p><b>SECTION 1. ESTABLISHMENT OF A 0.30% SALES AND USE TAX FOR TRANSPORTATION:</b></p> <p>There is hereby established, approved and levied a sales and use tax equal to 0.30% upon the retail sales as defined and authorized under Section 59-12-22.01 et seq. of the Utah Code Annotated.</p> <p><b>SECTION 2. USE OF REVENUE:</b></p> <p>All revenues derived from said tax shall be expended exclusively for the purposes set forth in Section 59-12-2212.2 of the Utah Code Annotated.</p> <p><b>SECTION 3. COMPLIANCE WITH STATE PROVISIONS:</b></p> <p>This ordinance shall otherwise be consistent with any applicable provisions of Part 22 of Chapter 12 of Section 59 Utah Code Annotated as well as any other pertinent provisions.</p> <p><b>SECTION 4: REPEALER:</b></p>	
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	<p>Any previously enacted ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed, but only to the extent that they are inconsistent with this ordinance. The repealer shall not, however, be construed to revive any ordinance heretofore repealed.</p> <p><b>SECTION 5. EFFECTIVE DATE:</b></p> <p>A copy of this Ordinance, together with any other notice required by Utah Code § 59-12-2209, shall be transmitted to the Utah State Tax Commission as soon as practicable after the adoption of the Ordinance.</p> <p>Council is waiting on clarification from Cade Penny what the tax rate percentage is. Cade arrives and Council asks Cade what exactly the transportation tax covers; he explains that there are certain categories of taxes and one of them is for fuel. Council discusses where this revenue will be coming from. The tax rate increase will be .3%.</p> <p style="text-align: center;"><b>AN ORDINANCE IMPOSING A ONE PERCENT MUNICIPAL TRANSIENT TAX ON ALL ACCOMMODATIONS AND SERVICES FOR THE TOWN OF STERLING</b></p> <p><b>WHEREAS</b>, the Utah State Legislature has authorized Utah municipalities to enact a transient room tax, in accordance with Utah Code Annotated § 59-12-301 et seq.;</p> <p><b>WHEREAS</b>, Sterling Town is a municipal corporation duly organized and existing under the laws of State of Utah;</p>	
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	<p><b>WHEREAS</b>, the Sterling Town Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;</p> <p><b>WHEREAS</b>, the Sterling Town Council finds it is in the public interest for the municipality to adopt and enact a transient room tax within the Town of Sterling and the adoption of this ordinance will serve that purpose;</p> <p><b>WHEREAS</b>, the Sterling Town Council finds the Town of Sterling can and should adopt and levy said tax, in accordance with UCA § 59-12-352, and other appropriate Utah State law;</p> <p><b>WHEREAS</b>, the Sterling Town Council finds the requirements enacted herein should become effective upon passage of this ordinance; and</p> <p><b>WHEREAS</b>, the Sterling Town Council finds the public safety, health, and welfare of the Town of Sterling will be better served by the adoption of this ordinance and enactment of this tax.</p> <p><b>NOW THEREFORE,</b></p> <p>The Sterling Town Council hereby ordains as follows:</p> <ol style="list-style-type: none"><li>1. That a Transient Room Tax is established and adopted as follows:</li></ol> <p><b>Section 1. Transient Room Tax</b></p>	
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	<p>It is the intent and purpose of Sterling Town to adopt a Transient Room Tax pursuant to, and in accordance with, Utah Code Annotated, section 59-12-352 et seq.</p> <p><b>Section 2. Definitions:</b></p> <p>The following definitions apply to this article:</p> <p>PERSON: Means any individual, person, partnership, firm, association, corporation, limited liability company, limited liability partnership, or other similar entity.</p> <p>PUBLIC TRANSIENT FACILITIES: Means a place providing temporary sleeping accommodations or temporary living arrangements to the public and includes; but is not necessarily limited to, the following:</p> <ul style="list-style-type: none"><li>A. A hotel;</li><li>B. A motel;</li><li>C. An inn;</li><li>D. A bed and breakfast;</li><li>E. A trailer park offering short term rentals; and</li><li>F. A home, condominium, apartment, townhome, or other similar facility offering short term rentals.</li></ul> <p>RENT: Means monies or other items of value exchanged for the right to use public transient facilities for short term rentals.</p> <p>SHORT TERM RENTALS: Means a public transient facility, residential unit, or, any portion of a residential unit offering sleeping accommodations or temporary living arrangements for a period of less than thirty (30) consecutive days.</p>	
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	<p><b>Section 3. Transient Room Revenue Tax</b></p> <p>There is hereby levied, on persons occupying short term rentals, a Transient Room Tax of one percent (1%) of the value of rents charged for the use of the short term rentals. This tax is in addition to any other taxes or fees to which the short term rentals are subject. Persons operating short term rentals are responsible to collect the tax and remit it monthly to the Utah State Tax Commission.</p> <p>The said transient room tax may be modified at any time by ordinance, subject to the limitations of UCA § 59-12-352(1) or other applicable Law.</p> <p><b>Section 4. Collection</b></p> <p>Sterling Town shall contract with the Utah State Tax Commission to collect the municipal transient room tax. The mayor is hereby authorized to enter into the necessary and standard agreements with that agency as part of the initial set up of the arrangement as well as any future transactions which may become necessary for the continued administration of the arrangement.</p> <p><b>Section 5. Use</b></p> <p>Revenues generated by the transient room tax shall be deposited in the Town's general fund and may be used for any general fund purpose, so long as the same continues to comply with State law.</p> <p><b>Section 6. Exemptions to Transient Room Tax</b></p>	
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	<p>No transient room tax shall be imposed under this ordinance upon any person:</p> <ul style="list-style-type: none"><li>A. engaged in business for a solely religious, charitable, or other type of strictly nonprofit purpose who is tax exempt in such activities under the laws of the United States and the State of Utah; or</li><li>B. engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.</li></ul> <p><b>Section 7. Penalties and Interest</b></p> <ul style="list-style-type: none"><li>A. Any person violating the provisions of this article shall be subject to a monetary penalty in the amount of ten percent (10%) of the amount due.</li><li>B. Sums due under this article, and not paid in a timely fashion, shall incur interest at the rate of twelve percent (12%) per annum.</li><li>C. In addition to the monetary penalty, a person or short term rental violating this policy is subject to having their business license revoked.</li><li>D. Failure to collect or remit the tax when due shall make the person operating the short term rental personally liable for the sums due, including attorney's fees and costs incurred in collecting the sums.</li></ul> <p><b>Section 8. Saving Clause</b></p> <p>If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Sterling Town.</p>	
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	<p><b>Section 9. Effective Date</b></p> <p>The provisions of this ordinance shall become effective on September 17, 2024 after any required posting and/or publication has been accomplished according to law.</p> <p>Discussion on deeming certain areas in the Town of Sterling as Short Term Rentals. This is something they will watch for.</p>	
<p><b>5. Adjournment</b></p>	<p>Zeb makes a motion to adjourn the meeting. Yvonne seconds the motion.</p> <p>Meeting adjourned at 6:59PM</p>	<p>Motion: Zeb Second: Yvonne Vote: Unanimous</p>

Minutes Approval

By: \_\_\_\_\_ Date: \_\_\_\_\_ Attest: \_\_\_\_\_ Date: \_\_\_\_\_  
Mayor Zeb Wignall Kris Winkel, Clerk/Recorder

Council Members Initials:  
Yvonne Larsen: \_\_\_\_\_  
Tami Privett: \_\_\_\_\_  
Kim Killpack: \_\_\_\_\_