

SOUTH WEBER CITY COUNCIL WORK MEETING

DATE OF MEETING: 9 June 2015

TIME COMMENCED: 5:32 p.m.

PRESENT: MAYOR:

Tammy Long

COUNCILMEMBERS:

**Scott Casas
Randy Hilton
Michael Poff
Marlene Poore
David Thomas**

CITY MANAGER:

Duncan Murray

CITY RECORDER:

Tom Smith

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: John Grubb, Paul Laprevote, Brent Poll,

CONSENT AGENDA:

- **Approval of May 26, 2015 City Council Work Meeting Minutes**
- **Approval of May 26, 2015 City Council Meeting Minutes**
- **Approval of May 2015 Check Register**

Council Member Casas would like to review the Best in the West Lawn care invoice for \$4,498. Council Member Poff asked about the status of leaving off the check register the names of those kids who are being paid to referee. Duncan said he will look into that again. Council Member Casas asked about the \$101,000 payment to Weber County Sewer District. He would like to look at in excess of half a million in revenue verses expenses. He explained that for the last two months he has tried to get a fiscal year 2015 report from Mark McRae, and still does not have it. He will have a difficult time increasing the utility rate because he really wants to see the math on this. He said South Weber City has the highest utility fee out there. Duncan said, keep in mind, a rate study will take place in the next few months. Council Member Poff said it comes down to whether we have a healthy fund balance. Council Member Poore discussed the \$165,000 increase contribution from fund balance. She was hoping that the Fund Balance Summary would tell her what is in savings minus what is used for fund contribution and then what is left. Duncan said Mark was unable to finish that report. Council Member Poore is concerned about pulling from the fund balance to pay for things. Duncan said there is still a fund balance for next year. He said the budget passed a year ago showed that we would use from the fund balance, but we did not have to use as much as we thought. Council Member Poff said this shouldn't hold up passing the budget. Duncan said we can have this information in the next couple of weeks. He said the challenge is that over the last couple of weeks we have had some curve balls.

Council Member Poore asked about the status of Rural Water coming and making a presentation. Tom explained that the City needs some information for his analysis. Council Member Hilton is

concerned about opening this up because some people may complain about garbage because they may not dump as much garbage.

Resolution 15-19: Amendment to the Staker & Parson Companies Development Agreement Regarding Parcels of Real Property Previously Owned by Staker & Parson Companies

Duncan discussed the recent property that Staker Parson Companies sold next to the Highmark Charter School and the Park and Ride. He said the 2003 development agreement was recorded and development guidelines were placed on those properties, which included an entry way feature to the City, adequate vegetation, and an outdoor feel to them. He said the challenge is that some guidelines include a grass median down the middle of South Weber Drive, which would be difficult to maintain. Council Member Poff explained the reasons why and said it was because the City thought they would develop all at once and that is not the case. Duncan explained that Dan Murray is currently in the process of having the water and sewer lines installed. Council Member Poff asked if they will be following the specific commercial development guidelines overlay. Duncan said the City Planner and City Engineer went through what they thought would apply. He said Maverik Gas Station is ready to purchase the property but isn't in agreement with the development guidelines.

REPORT AND ADDITIONAL APPROVAL:

Report on Staker & Parson Companies Gravel Pit Operations: Duncan explained that he has been in discussion with Staker & Parson Companies. He said Dak Maxfield, from Staker Parson Companies, will be in attendance to present a report on the dust mitigation, which includes a \$40,000 machine (dust buster) that can be used to mitigate dust.

Resolution 15-21: To Approve of a Request for Proposals Process to Retain a Consulting Firm to Create Concept Plans for the Future of the Staker & Parson Companies Gravel Pit; and to Jointly Fund, With Staker & Parson Companies, the RFP Process and the Retention of a Consulting Firm: Duncan explained that at some point we need to resolve what the gravel pit will be used for in the future. He receives questions all the time concerning what the future plans are. He feels the quicker the City decides the better. He said if Staker Parson Companies is willing to help pay for the study, that would help. Council Member Thomas said he discussed with Randy Anderson that Staker Parson pays half for the study. He is concerned about the slope and would suggest a 1 to 2 slope. He said Weber Basin is not interested in a large lake, but a pond in the bottom of the pit.

Adjourned at 6:00 p.m.

APPROVED: _____ **Date**
Mayor: Tammy Long

Transcriber: Michelle Clark

Attest: City Recorder: Tom Smith

DRAFT

SOUTH WEBER CITY COUNCIL MEETING

DATE OF MEETING: 9 June 2015

TIME COMMENCED: 6:05 p.m.

PLEDGE OF ALLEGIANCE: Council Member Casas

PRAYER: Council Member Poff

PRESENT: MAYOR: Tammy Long

COUNCILMEMBERS: Scott Casas
Randy Hilton
Michael Poff
Marlene Poore
David Thomas

CITY RECORDER: Tom Smith

CITY MANAGER: Duncan Murray

Transcriber: Minutes transcribed by Michelle Clark

*A PUBLIC WORK MEETING was held at
5:30 p.m. to
REVIEW AGENDA ITEMS*

VISITORS: John Grubb, Debi Pitts, Brent Poll, Casey Watts, Brody Sanzone, Brittney Youngberg, Jamie Patrick, Frank Patrick, Merrilee Gorringer, Mike Watts, Dak Maxfield, Cassandra Carlisi, Regina Grigohn, Derek Tolman, Neil Hiarth, Wayne Winsor, Cheryl Bamborough, Jake Judkins, Spencer Hafer, and Johnathan Soderquist.

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

APPROVAL OF THE AGENDA: Council Member Poff moved to approve the agenda as written. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, Thomas voted yes. The motion carried.

CONFLICT OF INTEREST: There was none

CONSENT AGENDA:

- Approval of May 26, 2015 City Council Work Meeting Minutes
- Approval of May 26, 2015 City Council Meeting Minutes
- Approval of May 2015 Check Register

Council Member Poff moved to approve the consent agenda. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, and Thomas voted yes. Council Member Poore abstained from the 26 May 2015 minutes as she was excused from the meeting. The motion carried.

APPROVALS:

Budget Presentation by the City Manager: Duncan Murray, City Manager, presented the highlights for the FY 2015-2016 budget. He said the infrastructure planning will include hiring a consultant to conduct a study for the City. They will review capital facilities plans, impact fee analysis, utility rate study which will include: sewer, water, storm and sanitation, and a replacement plan for long range streets infrastructure. Concerning the court/judicial projects, Duncan explained that the court is going “paperless” and will be making security upgrades.

Duncan reviewed the planned parks and trails projects which include: big toys at Central Park and Cedar Loop, a second baseball diamond and parking lot at Canyon Meadows Park, the purchase of property for Canyon Meadows Park extension, and parks and trails master plan updates.

Concerning street projects, Duncan discussed the 475 East overlay and rebuilding of Heather cove Street (Raymond Drive). Sewer projects will include an upgrade to the sewer line along 6650 S. to Cottonwood Cove.

Duncan then discussed the Fund Summary. He said the biggest part of summary is the General Fund at 38%, Water 18%, Sewer 12%, Capital Projects 7%, Sewer Impact 6%, Sanitation 6%, Recreation 5%, Storm Sewer 3%, Recreation Impact 1%, Water Impact 1%, Park Impact 1%, and Storm Sewer Impact 1%. He explained the General Fund Departments with the largest being the Administrative (City Hall operations) at 36%, Class “C” Roads 22%, Streets 9%, Parks 8%, Fire 7%, Public Safety 7%, Judicial 5%, Legislative 3%, and Building Inspections 3%. He explained where the money comes from. He said 40% comes from charges for services, 25% from contributions and transfers, 23% from taxes, 4% from impact fees, 3% from licenses and permits, 3% from intergovernmental revenue, and 2% from fines and forfeitures. Duncan discussed the General Fund Taxes with the highest coming from sales and use taxes at 50%, 25% franchise/other, 23% current year property taxes, and 2% from fee in lieu- vehicle registrations. Duncan reviewed the Consolidated Fee Schedule. He said this year there will be a 7.6% “pass-through” rate increase CWSID (Sewer Treatment), No City rate increases (Sewer collection, water, storm, sanitation, etc.), and late fee increase of \$15. He discussed the commitment to put away \$85,000 per year starting 7/1/2015 for a fire vehicle replacement plan. He said exact types of vehicles to be determined later.

Duncan reviewed the amendments to the FY 2014-2015 Budget, which will include the following:

General Fund

Budgeted Expenses without Transfer	\$ 2,002,640
Budgeted Revenue	\$ 1,815,413

Estimated Actual Revenue	\$ 2,149,903
Estimated Actual Expense	\$ 2,033,827

Amendments to the FY 2014-2015 Enterprise Funds include:

Enterprise Funds

Budgeted Revenue	\$ 2,179,200
Budgeted Expense	\$ 2,033,996
Estimated Actual Revenue	\$ 2,485,521
Estimated Actual Expense	\$ 2,256,123

Duncan believes that in moving forward in the future the City needs to finish the process of doing the utility rate study to help identify where we are headed and long term infrastructure replacement.

Council Member Poore would like a listing of salaries for the employees concerning the building inspection fund (\$128,000). She would like to look at contracting out the building inspections.

Council Member Poff thanked all those involved with this year's budget process. Council Member Hilton agreed. He said this has been a much clearer budget. Council Member Poore knows the staff has put in a lot of effort. Mayor Long thanked the staff as well. Council Member Casas said this is a balanced budget and commended the staff.

Council Member Poff moved to open the public hearing for Resolution 15-16. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, Thomas voted yes. The motion carried.

***** PUBLIC HEARING *****

Resolution 15-16: Adopt the Amendments to the 2014-2015 Fiscal Year Budget
Mayor Long asked for public comment.

Brent Poll, 7605 S. 1375 E., said it is good to see so many people here tonight. He said in the past the budget has not been user friendly. He likes the fact that it is being more transparent. He said there is one issue that they should have been budgeting for. He said when the City purchased Central Park there has been only one family that has been paid which is the Poll family. He said the City has never paid the Dickamores or the Daines. He feels the decent thing to do is to pay for it. He said back in 2012 he came before the City and the Mayor and Council at the time met in a closed meeting and made a decision. Council Member Poore asked about the amount or time frame. Mr. Poll said between \$70,000 and \$85,000 as he recalls. Council Member Thomas said there is a lot more history than what Mr. Poll is saying. He said in looking at the transaction and how subdivisions are approved, there is a lot more to it than meets the eye.

John Grubb, 6966 S. 475 E., complimented the Council and staff. He said he attended many of the meetings. He thanked Duncan for the excellent presentation.

Council Member Poff moved to close the public hearing for Resolution 15-16. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

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

Council Member Poff said it has been a process and understanding that the budget is balanced. He doesn't want anyone to get the wrong sense.

Council Member Poff moved to approve Resolution 15-16. Council Member Thomas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, and Thomas voted yes. Council Member voted Poore no. The motion carried 4 to 1.

Council Member Poff moved to open the public hearing for Resolution 15-17. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

***** PUBLIC HEARING *****

Resolution 15-17: Adopt the 2015-2016 Fiscal Year Final Budget and June, 2015 Consolidated Fee Schedule: Duncan said this budget has been broken out by funds and departments. This makes it more "user" friendly. He explained that the Consolidated Fee Schedule is also included.

Mayor Long asked if there was any public comment.

Wayne Winsor, 7813 S. 1800 E., said there is an inconsistency in the 401K contribution. He said under Parks budget there is a \$22,500 increase for UTA Park and Ride. He asked what changed because he feels that is a large amount. He said there is \$15,000 for trees and beautifications and would like more explanation. He said the biggest issue is the Capital Projects, \$235,000 to go to parks, but what is the priority. He said the City Engineer amount budgeted for has not changed.

Duncan said the park and ride previously a lot of those costs were distributed in other line items and have now pushed them into one line item. Concerning trees and beautifications, it is now consolidated into one place with trees for the parks. Council Member Thomas said the money for parks is coming from a restricted fund. Duncan said there is a certain standard amount offered as a match on 401K. He said somehow we need to gage what the priorities are for the public.

Merrilee Gorringer, 2252 E. 7875 S., said she is a crossing guard by the South Weber Elementary School. She said the judgment of parents driving their children to school can be dangerous. She said when she was hired they were a little concerned about her being quiet. Her first day she learned that she would need certain skills for the job. She said the children and drivers have different levels of judgment. She said this is a job that has danger to it. She said her point is that being a cross guard is not a cake walk. She said it is a life on the line daily. She said all the crossing guards are moms trying to help supplement their families. She then discussed South Weber City crossing guards being the lowest paid.

Duncan said in the current proposed budget for next year there is a 3% increase for crossing guards. He said there is a commitment to review other cities rates over the next few months. Council Member Hilton said there is a concern for the safety for the children. He asked what the City can do to help with that. Mrs.Gorringer said she can talk about that at another time. She discussed the safety concerns with the children being located so close to where the buses are turning. Duncan said the City staff is cognizant of this and stated he meets with the Davis County Sheriff's Department in which they have discussed these areas. Council Member Casas would be very interested in hearing Mrs. Gorringer's thoughts and concerns. Mayor Long said she has video footage that she has taken that she would be willing to show.

Council Member Thomas moved to close the public hearing for Resolution 15-17. Council Member Poff seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

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

Council Member Poff congratulated the City staff again for their work on this budget. He appreciates the descriptions of all the expenses which have been very helpful. He would like to see descriptions for the revenues in the future. He discussed Country Fair Days and having a self sustaining budget. He said the City has added a Finance Director and although there is a substantial increase for that position, hopefully, to have a budget this transparent, there is someone available to help do that. He wants to be clear that he is not in favor of a property tax increase. He referenced page 2 (budget message) and suggested striking to words "cost of living" and put "merit". He would also encourage and suggest the late fee for utility billing being consistent with Layton City. Council Member Casas discussed South Weber City having one of the highest utility billings. He said discussion has been taken place concerning looking at charging residents on the amount of water they use verses a set fee. He understands there is a rate increase. Council Member Thomas discussed South Weber City having one of the lowest property tax rates in Davis County. He said we don't generate enough money. He recognizes sacrifices. He said our employees are some of the poorest paid. He said there are items that will need to be discussed with tough decisions to be made. He would ask that in terms of fund balance, have the fund balance with the cash on hand instead of those that have the assets included. He said we need to start thinking about how to pay for a new water tank. He appreciates the fact that staff was able to make sure we did not subsidize from the fund balance in funding \$85,000 for the Fire Department.

Mayor Long said two years ago on May 2013 the Council discussed a pay raise and that didn't happen. She said there are cities that are giving a 1.5%.

Council Member Poff moved to approve Resolution 15-17 with changing the wording "cost of living" to "merit". Council Member Thomas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, and Thomas voted yes. Council Member Poore voted no. The motion carried 4 to 1.

ACTION ON:

Resolution 15-18: Vehicle Replacement Plan: Fire Department Vehicles

Duncan said this is a funding plan for all Fire Department vehicles. He said this resolution would set aside \$85,000 for each year for funding fire vehicles. He said it doesn't obligate to purchase specific types of vehicles.

Council Member Poff said there have been a lot of different efforts on this particular item. He said Zions Bank conducted a study which is where this amount came from. He said hopefully the City can get to the same point with City wide vehicles.

Wayne Winsor, 7013 S. 1800 E., said he would like to see the cash flow and is concerned if there is a cap on how high the fund will go. Council Member Poff said the study recommended the \$85,000. Chief Graydon said when the information was put together and turned over to Zion's Bank; the City received a plan that includes financing etc. They came up with four options. He then explained the plan for replacing vehicles depending on a certain number of years.

Tom Graydon, 2056 Cedar Bench Drive, discussed the Fire Department and the fire fighters who are paid per call. He said there is currently Engine 1 that is reaching the twenty year point and a truck that is reaching the forty year point. He said we are trying to set aside money in the budget to replace vehicles. There was a study from Zions Bank that has a suggested amount to be set aside.

Casey Watts, 1856 E. 7840 S., said she dispatches for emergencies for Weber and Morgan County. She feels the Fire Department needs equipment that protects them as well as residents.

Cassandra Corlisi, 1856 E. 7840 S., said she pays insurance every month and feels the vehicle replacement plan protects the public.

Council Member Hilton said the Fire Department does a great job for our City. He said the City needs protection and he is thankful to those who protect our protection.

Frank Patrick, 963 E. 7375 S., thanked the Council for approving this plan to the budget.

Tom Smith said the Zions Bank study recommends property tax increase. He said it does make us fiscally responsible. He said the vehicle plan would be on rotation. He said you can do it by mileage and date. He said that is why it has taken staff time to prepare a vehicle replacement plan. He said having a plan in place creates many benefits.

Council Member Poff moved to approve Resolution 15-18. Council Member Casas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

Council Member Casas was excused at 7:40 p.m.

Resolution 15-19: Amendment to the Staker & Parson Companies Development Agreement Regarding Parcels of Real Property Previously Owned by Staker & Parson Companies

Duncan explained the properties that have recently been sold by Staker & Parson Companies. He said sewer and water improvements have been going in on the property on the south side of South Weber Drive. He said there are design guidelines that apply to the property that came about in 2003 with the Development Agreement between South Weber City and Staker & Parson Companies. It appears that the theme behind the guidelines was to make sure there is an entry way feature, adequate landscaping, and an outdoors theme to the area. He said there are areas that water is not available to maintain landscape. He said the City staff is suggesting looking at creating new guidelines.

Council Member Poff said it is important to note that the original intent was to do it as one complete development. He referred to line 3 in the fifth "whereas" clause, he would suggest striking that line. He would also recommend striking the second in the "therefore be it resolved" clause.

Council Member Poff moved to approve Resolution 15-19 as amended. Council Member Hilton seconded the motion. Tom called for a roll call vote. Council Members Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

REPORT AND ADDITIONAL APPROVAL:

Report on Staker & Parson Companies Gravel Pit Operations: Dak Maxfield, Real Estate Manager for Staker & Parson Companies, discussed a phasing update and stated they have completed phase one, two, and three. He said they are working on the slope on phase three. He said in terms of excavation they are focused on the floor of the gravel pit. He said they have made some personnel changes in hopes that they will focus on the dust mitigation. He said they have not had any dust exceedance this year. He said there have been concerns with dust mitigation. They have added seven more wind fences. He said there are concerns with getting enough water pressure for the water cannons. He said the wind disturbs their spray patterns. He said they have looked at other solutions. One of those solutions includes a "dust boss". He said this equipment articulates side to side and covers a wide area. He said they will purchase one for now and possibly more. The cost of each dust boss is approximately \$40,000. The wind helps capture the moisture particles to capture the dust. He said the dust boss uses less water in which you can increase or decrease the size of the droplet. He said they have treated all the roadways with magnesium chloride.

Council Member Poff asked about the exposed surface. Dak said they are still in two areas and once that is completed they will be solely excavating slowly in the floor of the pit. Paul Laprevote asked when their budget cycle starts. Dak said they budget in September. Council Member Poore asked if there is much dust coming out of the reclamation areas. Dak said there shouldn't be any dust coming from the reclamation area. He said it is only those areas that have been disturbed. Council Member Poore said they have had residents concerned about that. Dak said they would be happy to take anyone on tour. Duncan asked about the hours of operation. Dak said they are operating on the original operating hours. He said in the past they have submitted a letter to the City concerning any changes in operating hours. Council Member Poff asked if the City is okay to use the parking area for the parade. Dak said, "yes".

Resolution 15-21: To Approve of a Request for Proposals Process to Retain a Consulting Firm to Create Concept Plans for the Future of the Staker & Parson Companies Gravel Pit; and to Jointly Fund, With Staker & Parson Companies, the RFP Process and the Retention of a Consulting Firm: Duncan said the City staff receives questions from individuals concerning the future plans for the gravel pit. He said this resolution would allow the City and Staker & Parson Companies to retain a consulting firm to create concept plans for the future of the gravel pit. He recommends appropriating up to \$25,000 from the Capital Projects Fund to pay for the RFP process and for a design consultant planning firm, with the understanding that Staker & Parson Companies will contribute an equal amount (as the City) to pay for the RFP process and for a design consultant planning firm. Council Member Thomas said he has approached Staker & Parson Companies concerning this item. He would like the designer to put together some scenarios and entertain public comment. He said right now they are finishing slopes and depending on the future of the pit, those slopes need to be at least a 1 to 2 slope. He said Weber Basin is in favor of a large pond in the bottom, but not a lake. He said there are several options that need to be looked at. He understands Parson & Staker Companies is willing to go in half on the consulting firm. Council Member Hilton asked when the pit would be closed. Dak said it all depends on the economy and market. Council Member Hilton said it bothers him that they are already finishing slopes. Council Member Poore asked if the City is assuming the land will be given to them. Council Member Thomas said it may be that Staker & Parson Companies may want to donate a portion of the property, or they may want to redevelop something in terms of commercial development for themselves. He said part of the design study will include what those options would be. Council Member Poff said without some kind of direction or guidance, you can't bring people to the table.

John Grubb asked if the Federal Government has mining laws that mandate the finished state of a mining operation. Council Member Thomas said it mandates a 1 to 1 ¼ slope, which probably wouldn't leave anything developable. Council Member Poff said the City doesn't have to purchase all the lands. He said this would give us a baseline of what we want to work towards.

Council Member Poff moved to approve Resolution 15-21 and would recommend assigning a citizen to the committee. Council Member Thomas seconded the motion. Tom called for a roll call vote. Council Members Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

PUBLIC COMMENTS:

John Grubb, 6966 S. 475 E., said Canyon Meadows Park has sat for six years. He feels looking towards the future of the gravel pit is a good thing.

Regina Grigohn, 1885 E. 7840 S., said she is a crossing guard at the South Weber Elementary School. She said the crossing guards are the only line of defense for the children. She has been there four years. She said substitutes make the same amount as those who have been there for years. She said the high school kids at the recreation center make more than them. She said the kitchen help makes more than them. She said a 3% is less than .25 cents. She would hope that the City takes this into consideration when approving the final budget.

MAYOR'S ITEMS:

Wasatch Front Regional Council: Mayor Long said the City should be receiving documents for the sidewalks.

American Ninja Warrior: Mike Stanger, resident from South Weber, is competing in the American Ninja Warrior.

COUNCIL MEMBER ITEMS:

Council Member Poff:

Country Fair Days: Country Fair Days will be held 1 August 2015 to 8 August 2015. The rodeo will be held on Tuesday night instead of Thursday.

Flags: Stacie Whitford, Flag Coordinator, will coordinate with the scouts in putting up flags.

Country Fair Day Movie in the Park: The movie will be Big Hero Six.

Candidates for Council: He appreciates all nine applicants stepping up to run for the City Council openings.

Council Member Hilton:

Landfill Updates: He reported the Landfill is currently working on the smell. He said if any residents have concern they may contact Preston Lee 801-638-3849.

CITY MANAGER ITEMS:

City Newsletter: The newsletter layout will be changing.

CITY RECORDER ITEMS:

Air Conditioning Status: Tom met with Davis County School District concerning the air conditioning at the Family Activity Center. They will be working on the thermostats.

Country Fair Days Donations: Tom stated Staker & Parson Companies has donated \$7,500 for Country Fair Days. The Mayor and Council thanked Dak for their donation.

Flag Day Schedule: Tom reported that the Flag Day schedule is located on the web-site.

Elections Update: The Primary Election will be August 11th voting from 7:00 a.m. to 8:00 p.m. or 9:00 p.m. The City staff is recommending a "Meet the Candidate" Night at Highmark Charter School and South Weber Elementary School. Tom explained what took place in the previous City he worked in. He said they had each candidate set up a booth for two days for a couple of hours. He said the target dates would be July 29th & 30th.

ADJOURNED:

Council Member Thomas moved to adjourn the City Council Meeting at 8:45 p.m. Council Member Poore seconded the motion. Council Members Hilton, Poff, Poore, and Thomas voted yes. The motion carried.

APPROVED: _____ Date
Mayor: Tammy Long

Transcriber: Michelle Clark

Attest: _____
City Recorder: Tom Smith

DRAFT

ORDINANCE 15-04

ORDINANCE AMENDMENT TO SEC. 10.09.050E (Classification of Signs: Class 5) of the South Weber City Code

WHEREAS, on the 23rd of April, 2015 the South Weber City Planning Commission held a public hearing, and has made a favorable recommendation to approve a zoning code amendment to the South Weber City Council; and

WHEREAS, the South Weber City Council held a public hearing on the 23rd day of June 2015, and has reviewed the amendment and the recommendation made by the Planning Commission;

NOW THEREFORE BE IT ORDAINED, by the Legislative Body of South Weber City that:

The South Weber City Code, Sec. 10.09.050E (Classification of Signs: Class 5) shall be revoked and replaced with the following:

Classification of Signs: Class 5: A. Class 5: Signs meeting the following specifications and conditions shall constitute class 5:

1. Sign Type: Business, identification, political, property, service and temporary subdivision.
2. Structural Type: Flat, ground, pole, projecting, roof, temporary and window.
3. Lighted Type: Direct and indirect lighted.
4. Maximum Number And Size: The maximum number and total area allowed shall be according to the following regulations:
 - a. Flat Signs: There is no maximum on the number of such signs. The total area of all such signs on the primary or main walls or facades facing the street shall be limited to ten percent (10%) of the wall or facade to which the sign is attached. The total area of all such signs on secondary walls or facades shall be limited to five percent (5%) of the wall or facade area to which the sign is attached.
 - b. Ground And Pole Signs: One ground or pole sign per street frontage per business is allowed with a maximum area of thirty (30) sixty (60) square feet plus two (2) square feet of sign area per ten (10) one (1) square foot per five (5) linear feet of frontage on the street to which the sign is oriented. If the sign is on a corner lot and is placed so that it orients to both streets, then one sign is allowed with a maximum area of sixty (60) one hundred twenty (120) square feet plus two (2) square feet per ten (10) linear feet one (1) square foot per five (5) lineal feet of frontage on both streets. The absolute maximum area of any ground or pole sign for a single business is two hundred (200) square three hundred (300) square feet except as noted in subsection E4c of this section. Where two (2) or more businesses are located within the same structure or in very close proximity in a commercial center type arrangement, ground

and pole signs are limited to one sign per commercial center. That sign shall be for the purpose of identifying all businesses within the commercial center and shall have a maximum area of fifty (50) one hundred (100) square feet plus ten (10) square feet per business identified on the sign with an absolute maximum area three hundred (300) square feet except as noted in subsection E4c of this section.

c. Pole Signs Within Four Hundred Feet Of Interstate 84 Or Highway 89: Pole signs that are located within four hundred feet (400') six hundred (600') of Interstate 84 and Highway 89 and are oriented toward either of those highways shall be allowed a fifty percent (50%) increase in the sign area specified in subsection E4b of this section.

d. Projecting Signs: One projecting sign per business is allowed with a maximum area of four (4) square feet per business.

e. Temporary Signs: There shall be no maximum number, but the total area allowed shall be a maximum of five percent (5%) of the area of the primary wall or facade facing the street for each business.

1. Time Limit: Temporary signs may be displayed for a maximum period of sixty (60) days.

f. Window Signs: Window signs shall be limited to twenty five percent (25%) of the window area of the primary wall or facade of the building.

5. Location: Anywhere on the property, unless otherwise noted in this chapter.

6. Maximum Height: Twenty five feet (25'), unless it is a flat sign attached to or painted on the building, in which case the maximum height shall be the same as the maximum height of structures allowed in the zone; or unless the property on which the business is located is within four hundred feet (400') six hundred feet (600') of Interstate 84, in which case the permitted height is one hundred feet (100'), or within six hundred feet (600') of Highway 89 in which case the maximum height shall be forty feet (40') seventy five feet (75').

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on _____ day of _____ 2015.

ATTEST:

MAYOR: Tamara Long

Tom Smith, City Recorder

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that **Ordinance 15-04: Ordinance Amendment to Section 10.09.050E Classification of Signs: Class 5**, was passed and adopted the ____ day of _____ 2015, and certifies that copies of the foregoing Ordinance 15-04 were posted in the following locations within the municipality this ____ day of _____, 2015.

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
4. South Weber City website www.southwebercity.com
5. Utah Public Notice Website www.pmn.utah.gov

Tom Smith, City Recorder

RESOLUTION 15-22

RATIFY THE DISPOSAL OF SURPLUS PROPERTY; Namely, a 1997 International Dump Truck

WHEREAS, the City Council of South Weber City and the South Weber City Public Works Department have elected to dispose of, as surplus property, a 1997 International 4900 Dump truck (VIN # 1HPFDAAN6V1145094), with the City Council having made a Motion to do so, at its regular meeting on June 23, 2015; and

WHEREAS, there are no liens against said 1997 International 4900 Dump truck; and

WHEREAS, South Weber City maintains full ownership and Title to said 1997 International 4900 Dump Truck; and

WHEREAS, said 1997 International 4900 Dump Truck are to be available for purchase at fair market value to any independent consumer; and

WHEREAS, the disposal of said 1997 International 4900 Dump Truck vehicle is in accordance with the South Weber City vehicle disposal and replacement plan; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of South Weber City, State of Utah, that the aforementioned disposal, as surplus property, of said 1997 International 4900 Dump Truck is adopted, and shall remain in effect unless or until such approval is superseded or modified.

PASSED AND ADOPTED, by the City Council of South Weber this 23rd day of **June, 2015**.

APPROVED

Tamara Long, Mayor

Attest:

Tom Smith, City Recorder

Roll call vote was as follows:

Mr. Thomas	yes	no
Mr. Poff	yes	no
Mr. Hilton	yes	no
Mr. Casas	yes	no
Ms. Poore	yes	no

RESOLUTION 15-23

RATIFY THE DISPOSAL OF SURPLUS PROPERTY; Namely, Ongoing Office Equipment

WHEREAS, the City Council of South Weber City and the South Weber City Administration have elected to dispose of, as ongoing surplus property, general office equipment, including: information technology used to create, store, exchange, process, and network all forms of electronic data; with the City Council having made a Motion to do so, at its regular meeting on June 23, 2015; and

WHEREAS, there are no liens against any City-owned general office equipment, including: information technology used to create, store, exchange, process, and network all forms of electronic data; and

WHEREAS, South Weber City maintains full ownership of all general office equipment, including: information technology used to create, store, exchange, process, and network all forms of electronic data; and

WHEREAS, equipment, including: information technology used to create, store, exchange, process, and network all forms of electronic data; shall be disposed of according to the following methods: (1) equipment to be made available for TNT Auction located at 2353 North Redwood Road, Salt Lake City, UT 84116, to auction of at fair market value to any independent consumer, (2) disposal for recycling at the Wasatch Integrated Waste Management District located at 1997 East 3500 North, Layton, UT 84041; and

WHEREAS, the disposal of said equipment, including: information technology used to create, store, exchange, process, and network all forms of electronic data; is in accordance with the South Weber City vehicle disposal and replacement plan/policy; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of South Weber City, State of Utah, that the aforementioned methods of disposal, as surplus property, of equipment, including: information technology used to create, store, exchange, process, and network all forms of electronic data; are adopted, and shall remain in effect unless or until such approval is superseded or modified.

PASSED AND ADOPTED, by the City Council of South Weber this 23rd day of June, 2015.

APPROVED

Tamara Long, Mayor

Attest:

Tom Smith, City Recorder

Roll call vote was as follows:

Mr. Thomas	yes	no
Mr. Poff	yes	no
Mr. Hilton	yes	no
Mr. Casas	yes	no
Ms. Poore	yes	no

South Weber City Tree Grant Program

It has been brought to my attention that the city council would like to see more trees in town. I think this is a great idea, trees save water, cool the city, and look nice. The city is currently under staffed and lacks the resources to properly take care of a potentially significant increase in man-hours for trees to be planted around the City. One possible solution that would assist the Public Works Department in addressing this concern would be to establish a tree grant program. As part of the program the city could make an arrangement to only pay for a portion part of the expense to purchase the trees, In turn, the land owner would perform the required maintenance. In addition, this program would afford the city discretionary authority to pick the type of trees that are to be planted in their respective locations. An arrangement of this kind would promote positive public relations.

CITY TREE GRANT

South Weber City would like to promote the planting of trees throughout the city. The City would like to partner with the citizens of South Weber to make our community look more beautiful. The South Weber City Tree Grant Program declares that:

1. Residents must fill out an application and have the application approved by the City Forester
2. A home owner in South Weber City may receive one \$50.00 (fifty dollars) reimbursement voucher, per home
3. Trees that are eligible for reimbursement must be on the City's approved selection list (see list below)
4. Trees may be planted in a 6' or wider park strip; or
5. Trees may be planted in a front or side setback that fronts on a city street.
6. All plantings must follow the city code (see below)
7. *Trees may be purchased at any approved city vender see vender list below
8. After the purchase and planting of the tree, the City Forester will visit each residence to verify that the tree has been planted properly and that it is being cared for appropriately

Those interested in participating in the South Weber City Tree Grant Program can:

Simply fill out an application, which can be obtained at the front desk of city hall or online at www.southwebercity.com Once your application has been reviewed by the South Weber City forester a voucher will be issued for the purchase of a specifically approved of tree, which you may redeem at one of the participating nurseries for the dollar amount. The South Weber City forester will visit your home a few weeks later to make ensure the tree has been properly planted and is being cared for. If you have a particular tree species in mind you can request that on your application however, some trees are not always suitable for certain areas. The city is committed to helping people plant the right tree in the right place. The City has an interest to maintain the beauty of our urban tree canopy for many years to come.

Some of the rules and restrictions to the program are as follows:

1. Applicant must be a South Weber City resident
2. The planting site must be at a residential location within city boundaries
3. Recipients agree to accept all responsibilities, liabilities, transportation needs, proper planting and care of the tree. Residents may request 1 to 2 trees on their application, however no more than 2 trees will be approved in a 6 month period, and no more than 4 trees are available in a 2 year period. The program is first come first serve and vouchers are limited. Applications will be reviewed and approved in the order received
4. Once the allocated budget for this project is exhausted the program will end

7.01.030 Obstructions In Streets

Height Limitations: All sidewalks shall be kept clear and unobstructed to a height of seven feet (7'). No vegetation shall be allowed to extend into the street past the curb face or the edge of the pavement where there is no curb to a height less than fourteen feet (14').

Clear View Across Corner Of Property Required: In all zones which require a front yard, no obstruction to view in excess of two feet (2') in height above the level of the curb or roadside, where no such curb exists, shall be permitted on any corner lot within a triangle, formed by the street, property lines and line connecting the between points forty feet (40') from the intersection of the streets and property lines, except for the following:

A reasonable number of trees pruned or maintained in such a way as to provide reasonably unobstructed vision to the driver of automobiles through such area.

Adopted by Ord. 1989 Code § 11-362 on 1/1/1989

Tree lists.

Trees in a 6' or wider park strip.

Trees in a front or side setback 10 or more from the sidewalk.

Vender list.

*if a vender is not on the list they can call city office and be preapproved.

CITY OF BLUFFDALE, UTAH

ORDINANCE NO. 2014-17

AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 3 OF THE BLUFFDALE CITY CODE ESTABLISHING NEW ALCOHOLIC BEVERAGE LICENSING REGULATIONS

WHEREAS the current City Code has established regulatory and safety provisions regarding beer licensing in Chapter 3-6;

WHEREAS State laws regarding alcoholic beverage licensing have recently changed defined terms and regulations establishing the framework for local alcoholic beverage control; and

WHEREAS the City of Bluffdale desires to update its alcoholic beverage code to be consistent with State Law terminology and to establish policy provisions regarding local control of alcoholic beverage licensing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLUFFDALE, UTAH:

Section 1. Text Amendments. The City Council hereby repeals the existing Chapter 3-6 Beer Licensing and replaces it in its entirety with the attached text of Chapter 3-6 Alcohol Beverage Licenses as shown in Exhibit 'A'.

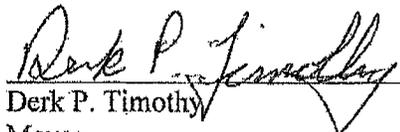
See Exhibit 'A'

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall take effect upon recording in the office of the City Recorder, publication, posting, or thirty (30) days after passage, whichever occurs first.

APPROVED, ADOPTED AND PASSED and ordered published by the Bluffdale City Council, this 17th day of December, 2014.

CITY OF BLUFFDALE


Derk P. Timothy
Mayor

ATTEST:

[SEAL]



Teddie K. Bell

Teddie Bell
Bluffdale City Recorder

Council members

Voting:

AYE NAY

Alan Jackson	Absent	_____
Bruce Kartchner	X	_____
Ty Nielsen	X	_____
Heather Pehrson	X	_____
Justin Westwood	X	_____

Exhibit 'A' – New City Code Chapter Replacing Chapter 3-6 Beer Licensing in its Entirety

Chapter 3-6 ALCOHOLIC BEVERAGE LICENSES

Sections:

3-6-010 Authority.

3-6-020 Definitions.

3-6-030 General Restrictions.

3-6-040 License to Sell Alcoholic Beverages at Retail.

3-6-050 Retail Licenses – Classification.

3-6-060 License Applications.

3-6-070 Processing of Applications; Local Consent.

3-6-080 General Operational Restrictions.

3-6-090 Off-Premise Licenses.

3-6-100 Full-Service Restaurant and Limited-Service Restaurant Licenses.

3-6-110 Club Licenses.

3-6-120 Beer Only Licenses.

3-6-125 On-Premise Banquet License.

3-6-130 Single-Event Licenses.

3-6-140 Renewal of Existing Licenses.

3-6-150 Renewal Information Required.

3-6-160 Fees.

3-6-170 Expiration and Renewal.

3-6-180 Penalties for Violations by a Licensed Establishment.

Section 3-6-010 Authority. The City of Bluffdale may prohibit, except as provided by law, any person from knowingly possessing any intoxicating alcoholic beverages, and the manufacture, sale, keeping or storing for sale, offering or exposing for sale, importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of intoxicating alcoholic beverages. The authority for this Chapter is derived from Section 10-8-42 of the Utah Code and the Alcoholic Beverage Control Act of the Utah Code.

Section 3-6-020 Definitions. All words and phrases used in this Chapter shall have the following meanings, unless a different meaning clearly appears from the context:

(a) "Alcoholic Beverage" means beer, wine, and liquor as the terms are defined in this section.

(b) "Beer," or "malt liquor" means a product that contains at least .5% alcohol by volume, but not more than four percent of alcohol by volume or 3.2% by weight, and is obtained by fermentation, infusion, or decoction of any malted grain. Such products may or may not contain hops or other vegetable products. "Beer" includes products referred to as light beer or malt liquor.

(c) "Beer Only" means an establishment that is issued a license which allows for the storage, sale, service, and consumption of beer on the premises where the business is engaged in primarily serving meals to the general public, where patrons may only purchase beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the sale of food.

(d) "Brewer" means any person or facility engaged in manufacturing beer, heavy beer, or flavored malt beverage.

(e) "Church" means a building set apart for the purpose of worship, in which religious services are held with which clergy is associated and which is tax exempt under the laws of this State.

(f) "City" means the City of Bluffdale.

(g) "Club" means a dining, equity, fraternal, or social club as defined in the Alcoholic Beverage Control Act of the Utah Code.

(h) "Commission" means the State of Utah Alcoholic Beverage Control Commission.

(i) "Dining Club License" means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises that; has a full menu that offers full meals including appetizers, main courses, and desserts; maintain at least 60% of their club business from the gross sale of food; have a portion of the premises used for a dining area, and adequate culinary facilities to serve full meals. Dining clubs are open to the public but the club licensee may choose to restrict access to only those who are on a list or pay a fee.

(j) "Equity Club License" means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises that; only allows members or guests of a member to be admitted to or use the premises; owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or a tennis facility; and have bylaws or house rules as regarding membership as defined in the Alcoholic Beverage Control Act of the Utah Code.

(k) "Flavored malt beverage" means a beverage that contains at least .5% alcohol by volume, is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55 and to which is added a flavor or other ingredient containing alcohol, except for a hop extract; and for which the producer is required to file a formula for approval with United States Alcohol and Tobacco Trade and Tax Bureau pursuant to 27 C.F.R. Sec. 25.55.

(l) "Fraternal Club License" means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises where only members or guests of a member are allowed to be admitted to use the premises; the club is organized and operated solely for a social, recreational, patriotic, or fraternal purpose; the club has no capital stock; meets the governing requirements outlined in the Alcoholic Beverage Control Act of the Utah Code; and the club exists solely for;

- (1) the benefit of its members and their beneficiaries; and
- (2) a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose for the benefit of its members or the public, carried on through voluntary activity of its members in their local lodges.

(m) "Full-service Hotel" means a hotel that offers full availability of requisite standardized industry amenities which are not limited to, but including the following: on-premise restaurant, room service, business center, concierge, fitness center, banquet halls, various room type selection such as suites.

(n) "Full-Service Restaurant License" means a license that allows for the storage, sale, service, and consumption of alcoholic beverages on the premises of a restaurant that is primarily engaged in serving meals to the general public, where patrons may only purchase alcoholic beverages in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the gross sale of food.

(o) "Heavy Beer" means a product that contains more than 4% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain.

(p) "Licensee" means a person granted an Off-Premise, On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Manufacturer, Club, or Single-Event license in connection with the operation of a place of business in the City. This term shall also include any employee of the licensee.

(q) "Licensed Premises" means a room, house, building, structure or place occupied by any person licensed to sell alcoholic beverages on any premises under this Chapter; provided, that in any multi-roomed establishment, an applicant for a Full-Service Restaurant, Limited-Service Restaurant, Club, Manufacturer, or Beer Only License shall designate a room or portion of the building of such business for the sale of alcoholic beverages, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premise.

(r) "Limited-Service Restaurant" means a restaurant that is issued a liquor license which allows for the storage, sale, service, and consumption of wine, beer and heavy beer on the premises where the business is engaged in primarily serving meals to the general public, where patrons may only purchase wine, beer, and heavy beer in conjunction with an order of food that is prepared, sold and served at the restaurant, and where the restaurant maintains at least 70% of its total restaurant business from the sale of food.

(s) "Liquor" means alcohol, or an alcoholic, spirituous, vinous, fermented, malt, flavored malt beverage, or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks, or drinkable liquids that contains at least .5% alcohol by volume and is suitable to use for beverage purposes. "Liquor" does not include any beverage defined as beer.

(t) "Manufacture" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for personal use or for sale or distribution to others.

(u) "Manufacturer License" means a license granted under the Alcoholic Beverage Control Act of the Utah Code which includes a brewer, winery or distillery.

(v) "On-Premise Banquet License" means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises in connection with a banquet such as a hotel, resort

facility, sports center or convention center as defined in the Alcoholic Beverage Control Act of the Utah Code.

(w) "Park" means a piece of public ground that is set apart for the use of the public, whether developed or undeveloped, and that is usually, or may be, planted with trees, lawns, or other shrubbery. The park may include facilities for sport, entertainment, dancing, recreation, or swimming, or a park may be planned for such future use of any and all other facilities. A park may consist solely of a single purpose facility, either actual or proposed, such as an equestrian park, open air theater, or playground. For purposes of this Chapter, a golf course is not a park.

(x) "Person" means an individual, partnership, firm, corporation, limited liability company, association, business trust, or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular number, unless the intent to give a more limited meaning is disclosed by the context.

(y) "Playground" means a public, private or neighborhood area which may or may not include play equipment where children go for physical activity or to play.

(z) "Restaurant" means a business establishment where a variety of foods are prepared and complete meals are served to the general public, located on premises having adequate culinary fixtures for food preparation and dining accommodations that is engaged primarily in serving meals to the general public; where customers are seated at tables, servers take food orders and serve food at tables without prepayment, and without service windows or primarily providing takeout orders picked up at a counter.

(AA) "Retailer" means a person engaged in the sale or distribution of an alcoholic beverage to a consumer.

(BB) "School" means a building used primarily for the general education of minors. "School" does not include a nursery school, an infant day care center, or a trade or a technical school.

(CC) "Sell," "sale," or "to sell" means a transaction, exchange, or barter whereby, for consideration, an alcoholic beverage is either directly or indirectly transferred, solicited, ordered, delivered for value, or by means or under pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this chapter or the rules made by the Commission.

(DD) "Single-Event" means a convention, civic, or community enterprise conducted by a bona fide corporation, church, political organization, or association or a recognized subordinate lodge, chapter, or other local unit thereof.

(EE) "Social Club License" means a license which allows the sale, storage, service and consumption of alcoholic beverages on the premises and include any other club that does not qualify as an equity, fraternal or dining club, such as a social drinking club that does less than 50% of its business from the sale of food.

(FF) "State Store" means a facility for the sale of package liquor located on premises owned or leased by the State and operated by a State employee. "State store" does not apply to a licensee, permittee, or package agencies.

(GG) "Tavern" means a business establishment that is engaged primarily in the retail sale of beer to a public patron for consumption on the establishment's premises. "Tavern" includes beer bar, parlor, lounge, cabaret, and night club if the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in the establishment.

(HH) "Trail" means a linear corridor of property which is planned as part of the Parks and Trails Master Plan or recognized as a City facility by the Parks and Trails Master Plan or an applicable Project Development Agreement or Subdivision Approval, although not classified as a park, and maintained by the City for the purpose of recreation and alternate transportation as a part of the transportation system, thus not designed or intended for use by unaccompanied small children. A trail is not a park for purposes of this chapter.

(II) "Wine" means an alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or other like substance, whether or not another ingredient is added.

Section 3-6-030 General Restrictions.

(a) **Manufacturer/Brewer.** A person may not manufacture any alcoholic beverage unless an alcoholic beverage manufacturing license has been issued by the Commission. A separate license is required for each place of manufacture, storage, and sale of alcoholic beverages. Whether independent or associated with a restaurant, a brewer or other form of manufacturing requires local consent from the City Council.

(1) Before any manufacturer or brewer licensee may manufacture any alcoholic beverage, it shall obtain:

- (i) local consent for a Manufacture license from the City; and
- (ii) a Manufacture license from the Commission.

(2) Applicants shall submit an application as per Section 3-6-060.

(3) Manufacturer Licensee shall comply with all provisions and operational regulations for a Manufacturer as established by the Alcoholic Beverage Control Act.

(4) Violation of this subsection is a class B misdemeanor.

(b) **Single-Event.** Before any sponsor of a single event may sell or allow the consumption of alcohol on its premises, it shall first obtain a Single-Event License from the Commission and Local Consent from the City Council.

(c) **Advertising.** It shall be unlawful to advertise the sale of alcoholic beverages in violation of the Utah Alcoholic Beverage Control Act. Permitted signage shall comply with requirements contained in the Land Use Ordinances of the City of Bluffdale Municipal Code.

Section 3-6-040 License to Sell Alcoholic Beverages at Retail.

(a) It shall be a class B misdemeanor for any person to sell alcohol without first having procured a license from the City and paid the license fee, including all regulatory fees, as set forth in the City's Consolidated Fee Schedule.

(b) It shall be a class B misdemeanor for any person to sell alcohol after the revocation of the license issued pursuant to this chapter.

(c) A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. It shall be unlawful for any licensee to violate any of the terms of the license.

(d) All Licensees shall comply with this Chapter, the Utah Alcoholic Beverage Control Act and the regulations of the Commission.

Section 3-6-050 Retail Licenses - Classification.

(a) Retail licenses issued under the provisions of this Chapter shall be classified under the following types which shall carry the privileges and responsibilities set forth in this Chapter: Off-Premise, Full-Service Restaurant, Limited-Service Restaurant, On-Premise Banquet, Beer Only, and Single-Event.

(b) All licenses of each type shall be numbered numerically commencing with the number one.

Section 3-6-060 License Applications.

(a) A person seeking an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Single-Event license to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) the license fee as set forth in the City's Consolidated Fee Schedule;

(2) an approved site plan or conditional use permit or a copy of the applicant's business license. It shall be a prerequisite to issuance of an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Single-Event License that the applicant has received either site plan or conditional use approval or has been granted a business license;

(3) evidence of proximity to any school, church, public library, public playground or public park. This requirement does not apply to Off-premise license applications;

(4) a signed consent form stating that the premises will permit any authorized representative of the Commission, City, City Police Department or County Health Department unrestricted right to enter the premises;

(5) a copy of the DRAM shop insurance coverage established by the Alcoholic Beverage Control Act of the Utah Code;

(6) a copy of a cash, corporate or surety bond in the penal amount established by the Alcoholic Beverage Control Act of the Utah Code payable to the Department of Alcoholic Beverage Control; and

(7) any other information the City may require to accurately evaluate the merits of the application.

Section 3-6-070 Processing of Applications; Local Consent.

(a) Each application for an Off-Premise, On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, Manufacturer, or Single-Event license shall be referred to the Business License Official. Upon receiving the application and the accompanying information, the Business License Official shall submit the request to appropriate City departments for their review and comment. The request shall be reviewed by the City Council at a regularly scheduled meeting not more than 45 days after a complete application is received. The Council shall take public comment on the request. After review of the request and accompanying information, the Council shall vote on whether to grant its consent for the issuance of the license. Notwithstanding the foregoing, an application for a Single-Event License in conjunction with a regularly-conducted festival or event which, in previous years, received Single-Event License approval from the City, may be approved by the Business License Official upon a showing of past compliance with the ordinances, rules and regulations of the City and that the application meets current ordinances, rules and regulations.

(b) An On-Premise Banquet, Beer Only, Full-Service Restaurant, or Limited-Service Restaurant license shall not be granted to a business located within 600 feet of any public or private school, church, public library, public playground or public park as measured from the nearest entrance of the outlet by following the shortest route of ordinary pedestrian travel to the property boundary of the public or private school, church, public library, public playground or public park.

(c) An On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Club license shall not be granted to any applicant for any location situated within 200 feet of any public or private school, church, public library, public playground, or public park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground, or public park.

(d) The restrictions contained in Subsection (b) govern unless the City Council determines that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exceptional and undue hardships in the granting of a license. In that event the City Council, may, after giving full consideration of all attending circumstances and after compliance with public notice and public hearing requirements as specified in Subsection (e) authorize a variance from the distance requirements to relieve the difficulties or hardships, if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter.

(e) On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Single-Event license applicants wishing to request from the City Council a variance from the proximity distance requirement in Subsection (b) shall comply with the following:

(1) Payment of Fee. Any applicant desiring a variance for which a special public

hearing is required shall pay a fee set by resolution of the City Council before the hearing shall be set or advertised.

(2) Advertising. Notice of a public hearing shall be published once a week for three consecutive weeks in a newspaper of general circulation. The advertisement shall state the date, time, location and reason for the public hearing.

(3) Notice to property owners. Letters of notice of public hearing shall be mailed at least ten days in advance of the public hearing to all persons owning property within 600 feet of the applicant's premises.

(4) Petition. The applicant shall circulate a petition to each person owning property within 600 feet of the applicant's business premises. Such petition shall allow the affected property owners to indicate opposition or lack of opposition to such a license being granted.

(5) Public Hearing. After satisfying the fee and notice requirements, the City Council shall hold a public hearing to consider the granting of a variance from the distance requirements.

(f) Each person granted a license and the employees, management and personnel of the licensee shall abide by the conditions and requirements provided in the Alcoholic Beverage Control Act of the Utah Code.

(g) In deciding whether to grant or deny a license, the City may also consider the proximity of any educational, religious, and recreational facility, or any other relevant factor in reaching a decision on a proposed location.

(h) There shall be a limitation on the number of Local Consents granted by City of Bluffdale, based on the following restrictions:

- (1) Off-Premise: no restrictions on the number of licenses;
- (2) On-Premise Banquet: no restrictions on the number of licenses;
- (3) Beer Only: no restrictions on the number of licenses;
- (4) Full-Service Restaurant: no restrictions on the number of licenses;
- (5) Limited-Service Restaurant: no restrictions on the number of licenses;
- (6) Club: no club licenses of any type are allowed to be issued in the City;
- (7) Manufacturer: no restrictions on the number of licenses;
- (8) Single-Event license: no restrictions on number of licenses;
- (9) Tavern license: no tavern licenses are allowed to be issued in the City.

Section 3-6-080 General Operational Restrictions.

(a) Each person granted an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Single-Event License and their employees, management and personnel shall abide by the following conditions and requirements. Failure to comply may result in suspension or revocation of the license or other disciplinary action taken against individual employees or management personnel.

- (1) A Beer Only, Full-Service Restaurant, and Limited-Service Restaurant License shall entitle the licensee to sell alcoholic beverages only with the purchase of food, on the premises described therein, in containers allowed under the Alcoholic Beverage Control Act of the Utah Code. Only bona fide restaurants shall be entitled to Full-Service, Limited-Service Restaurant, Beer Only or Dining Club Licenses.
- (2) An On-Premise Banquet or Single-Event License shall entitle the licensee to sell alcoholic beverages on the premises described therein, for consumption on the licensed premises.
- (3) No person under the age of 21 years shall sell or serve alcoholic beverages under a Full-Service or Limited-Service Restaurant License.
- (4) Alcoholic beverages purchased from a restaurant shall not be removed from the restaurant premises except as allowed in accordance with the Alcoholic Beverage Control Act of the Utah Code.
- (5) A person shall not bring onto the premises of an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Special-Event any liquor or beer, for on-premise consumption. A person may bring bottled wine onto the premises of a Full-Service Restaurant, or Limited-Service Restaurant provided the wine is delivered to a server upon entering the premises. Officers, managers, employees or agents shall not allow a person to bring onto the licensee premises liquor or beer for on-premise consumption or allow consumption of any such liquor or beverage on its premises. If any licensee or any of its officers, managers, employees or agents violates this subsection the City may immediately suspend or revoke the license.
- (6) An employee of a licensee, while on duty, shall not consume an alcoholic beverage or be under the influence of alcoholic beverages.
- (7) Each licensee shall display in a prominent place on the premises:
 - (i) the license issued by the City and the license issued by the Commission;
and
 - (ii) a sign in large letters stating: "WARNING, THE CONSUMPTION OF ALCOHOLIC BEVERAGES PURCHASED IN THIS ESTABLISHMENT MAY BE HAZARDOUS TO YOUR HEALTH AND THE SAFETY OF OTHERS."
- (8) There shall be no transfer of a license from one location to another.
- (9) There shall be no transfer of a license from one entity to another without approval by the City Council, except that the Business License Official may grant a request to transfer an On-Premise Banquet, Beer Only, Full-Service Restaurant, or Limited-Service Restaurant license from a current licensee to a proposed licensee who will operate at the same location, so long as the following conditions are met:
 - (i) the type of alcoholic beverage to be sold is not changed;

- (ii) the on-site management staff has not changed;
- (iii) there have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two years; and
- (iv) the proposed licensee's application complies in all respects with all other provisions of this Chapter.

(10) Monetary Value of License.

(i) A person having been granted an On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Special-Event License shall not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.

(ii) An On-Premise Banquet, Beer Only, Full-Service Restaurant, Limited-Service Restaurant, or Special-Event License has no monetary value for the purpose of any type of disposition.

(11) A person's willingness to serve alcoholic beverages or beer shall not be made a condition of employment as a server with a restaurant that has a Full-Service Restaurant, Limited-Service Restaurant, On-Premise Banquet, Beer Only or Dining Club license.

Section 3-6-090 Off-Premise Licenses.

(a) An Off-Premise retail license shall entitle the licensee to sell beer on the premises described therein in original containers of a size established in the Alcohol Beverage Control Act of the Utah Code.

(b) It shall be unlawful for an Off-Premise licensee to permit the consumption of beer on any Off-Premise licensed premises.

(c) A person seeking an Off-Premise License to sell beer shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) the fee for an Off-Premise license as set forth in the City's Consolidated Fee Schedule;

(2) an approved site plan or conditional use permit or a copy of the applicant's business license, it being a prerequisite to issuance of an Off-Premise license that the applicant has received either site plan or conditional use approval or has been granted a business license; and

(3) any other information the City may require to accurately evaluate the merits of the application.

(d) There is no distance requirement for the location of an Off-Premise license where the

premises would be located near or adjacent to a school, church, public library, public playground or public park.

(e) An Off-Premise licensee may sell beer during all hours allowed by the Alcoholic Beverage Control Act of the Utah Code.

(f) Beer may not be sold, delivered, or furnished to any:

(1) minor;

(2) person actually, apparently, or obviously under the influence of any intoxicating beverage or controlled substance;

(3) known habitual drunkard; or

(4) known interdicted person.

(g) Provisions of this Chapter prohibiting possession of beer by minors shall not apply to persons under 21 years of age who are bona fide employees in Off-Premise licensed premises while under the supervision of a person 21 years of age or older who is on the premises.

(h) It shall be unlawful for any person licensed to sell beer or for any of its agents or employees to allow intoxicated persons to remain in or about any licensed premises.

(i) Off-Premise licensees shall maintain records which shall disclose the gross sale of beer during each and every year. Such records shall be available for inspection and audit as established by the Alcoholic Beverage Control Act of the Utah Code. Failure of a licensee to properly maintain the required records or failure to submit such records for inspection and audit shall be cause for suspension or revocation of an Off-Premise license.

(j) An Off-Premise licensee shall make every reasonable effort to limit the potential for theft of beer from licensed premises. A clear, unobstructed view of all portions of the interior shall be available at all times from a point within the licensed premises at or near the main public entrance. A beer inventory shrinkage record shall be kept by the licensee and made available at any time upon request to the Chief of Police or Business License Official for inspection or audit. Failure of a licensee to properly maintain the alcoholic beverage inventory shrinkage or failure to submit such records for inspection and audit shall be a class B misdemeanor and shall be cause for suspension or revocation of an Off-Premise License.

(k) There shall be no transfer of an Off-Premise license from one location to another.

(l) There shall be no transfer of an Off-Premise license from one entity to another without approval by the City Council, except that the Business License Official may grant a request to transfer an Off-Premise license from a current licensee to a proposed licensee who will operate at the same location provided:

(1) the type of alcoholic beverage to be sold is not changed;

- (2) the on-site management staff has not changed;
- (3) there have been no citations for alcohol related offenses issued to either the current licensee or the proposed licensee within the last two years; and
- (4) the proposed licensee's application complies in all respects with all other provisions of this chapter.

(m) Monetary Value of License.

(1) A person having been granted an Off-Premise License shall not sell, exchange, barter, give or attempt in any way to dispose of the license whether for monetary gain or not.

(2) An Off-Premise beer license has no monetary value for the purpose of any type of disposition.

(n) Each Off-Premise Beer licensee shall comply with the provisions of the EASY law and operational provisions established by the Alcoholic Beverage Control Act

Section 3-6-100 Full-Service Restaurant and Limited-Service Restaurant Licenses.

(a) Before any Full-Service Restaurant or Limited-Service Restaurant may sell alcoholic beverages at retail for on-premise consumption, it shall obtain:

(1) a Full-Service Restaurant license from the City for the purpose of selling alcoholic beverages as defined in this Chapter; or

(2) a Limited-Service Restaurant license from the City for the purpose of selling beer, heavy beer, and wine as defined in this Chapter; and

(3) a Full-Service Restaurant or Limited-Service Restaurant retailer license from the Commission.

(b) A person seeking a Full-Service or Limited-Service Restaurant license to sell alcoholic beverages for consumption on the premises shall provide a written application on forms provided by the City as outlined in Section 3-6-060 of this Title.

(c) A Full-Service or Limited-Service Restaurant licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.

(d) All Full-Service or Limited-Service Restaurant licensees shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Alcoholic beverages sales shall not exceed more than 30% of the gross dollar volume sales for any semi-annual period.

Section 3-6-110 Club Licenses.

(a) There are four types of Clubs defined by Title 32A of the Utah Code:

- (1) Dining Clubs;
- (2) Social Clubs;
- (3) Equity Clubs; and
- (4) Fraternal Clubs.

(b) Restriction on Licenses. There shall be no Club licenses of any type allowed in the City of Bluffdale.

Section 3-6-120 Beer Only License.

(a) There are two types of on-premise beer licenses defined by the Alcoholic Beverage Control Act of the Utah Code:

(1) Beer-Only which include restaurants, cafes, bowling center or golf course food and beverage facilities; and

(2) Taverns, which include beer bars, parlors, lounges, cabarets, or nightclubs. No Tavern licenses shall be issued within City of Bluffdale.

(b) Before any establishment may sell beer at retail for on-premise consumption, it shall obtain:

- (1) a Beer Only license from the City ; and
- (2) a Beer Only retailer license from the Commission.

(c) A person seeking a Beer Only license to sell beer for consumption on the premises shall provide a written application on forms provided by the City as outlined in Section 3-6-060 of this Title.

(d) Hours of Sale. A Beer Only licensee may sell beer in accordance with the Alcoholic Beverage Control Act of the Utah Code.

(e) All Beer Only licensees shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on or off the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Beer sales shall not exceed more than 30% of the gross dollar volume sales for any semi-annual period.

Section 3-6-125 On-Premise Banquet License.

(a) An On-Premise Banquet License may only be issued for a hotel, resort facility, sports center or convention center.

(b) Before any On-Premise Banquet licensee may sell or furnish an alcoholic product at retail for on-premise consumption, it shall obtain:

- (1) an On-Premise Banquet license from the City; and
- (2) an On-Premise Banquet license from the Commission.

(c) A person seeking an On-Premise Banquet license to provide alcohol for consumption on the premises shall provide a written application on forms provided by the City as outlined in Section 3-6-060 of this Title.

(d) Hours of Sale. An On-Premise Banquet licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage Control Act of the Utah Code.

(e) All On-Premise Banquet licensees shall maintain records which shall disclose the gross sales of alcoholic beverages and the gross sales of food served and any other items sold for consumption on the premises as defined in the Alcoholic Beverage Control Act of the Utah Code. Alcohol sales shall not exceed more than 50% of the gross dollar volume sales for any semi-annual period.

Section 3-6-130 Single-Event License.

(a) Before any operator, participant or sponsor of a single event may sell beer or alcohol at retail for on-premise consumption at the event, a Single-Event License shall be obtained from the City. A Single-Event License May also include a Temporary Special Event beer license.

(b) An applicant seeking a Single-Event License to sell beer or alcohol for consumption on the premises of a single event shall provide a written application on forms provided by the City. The application shall be accompanied by:

(1) the fee for a Single-Event License as set forth in the City's Consolidated Fee Schedule and evidence of necessary regulatory approvals to conduct the single event;

(2) evidence of proximity to any school, church, public library, public playground or public park, however, the proximity requirements of Section 3-6-070 of this Title do not apply to a Single-Event License as per the Alcoholic Beverage Control Act of the Utah Code;

(3) a site plan of the location of the single event, including clear depiction of consumption areas and areas where the applicant proposes to keep, store and sell alcoholic beverages;

(4) a statement of the purpose of the association, corporation, church or political organization or its local lodge, chapter, or other local unit;

(5) a signed consent form stating that authorized representatives of the City, including any City law enforcement agency, will have unrestricted right to enter the premises during the event;

(6) proper verification evidencing that the person signing the application is authorized to act on behalf of the association, corporation, church or political organization conducting the single event; and

(7) any other information the City may require to accurately evaluate the merits of the application.

(c) No person under the age of 21 years shall sell or serve alcoholic beverages under a Single-Event License.

(d) A Single-Event License shall not authorize the storage, sale or consumption of alcoholic beverages at an event for any period exceeding 120 hours.

(e) Qualifying organizations may apply for up to four licenses per calendar year for a time period that does not exceed 120 consecutive hours for each license, or up to 12 licenses per calendar year for a time period that does not exceed 72 consecutive hours for each license.

(f) A Special-Event licensee may sell alcoholic beverages in accordance with the Alcoholic Beverage control Act of the Utah Code.

Section 3-6-140 Renewal of Existing Licenses.

(a) All applications for renewal of licenses shall be filed with the license official at least 30 days prior to the expiration of the then issued license. Any person who fails to file within the time limit set forth herein shall, on the date of expiration of the license, forthwith cease all sales of alcoholic beverages on the licensed premises and shall make no sale of alcoholic beverages until the date a new license is issued by order of the City Council.

(b) Upon receipt of an application for renewal of an alcoholic beverage license, the license official shall obtain a report from appropriate agencies regarding the applicant's compliance with any applicable restrictions relating to operation of the licensed premises and local or state laws relating to the sale or supply of alcohol. In the event the report demonstrates there have been any instances of non-compliance in the preceding year, the renewal application shall be scheduled for a hearing before the City Council at its next regularly scheduled business meeting. Within 14 days of the hearing, the City Council shall render a decision regarding the license application.

Section 3-6-150 Renewal Information Required. Applications for renewal of licenses issued under this Chapter shall be accompanied by a statement setting forth the gross sales of beer by the licensed establishment during the preceding year and the total gross revenues from all sources of sales during the same year. Renewal applications which are not accompanied by the required statement shall be deemed incomplete and shall not be processed until the statement is supplied. The requirements of this Section shall be in addition to any requirements relating to the keeping of records set forth within this Chapter.

Section 3-6-160 Fees. Renewal Applications for licenses under this Chapter shall be accompanied by the City business license fee and the complete regulatory fees established by the City's Consolidated Fee Schedule as amended.

Section 3-6-170 Expiration and Renewal.

(a) Licenses issued pursuant to the provisions of this Chapter shall expire one year from the date of issuance.

(b) Licenses shall be issued for one year from the date of expiration shown in subsection (a). In the event renewal fees are not received at the office of the license official within 45 days after the due date each year, the licensee must reapply for the applicable retail license and pay a penalty of 25% of the regulatory fees due as part of the re-issuance fee, in addition to the applicable regulatory license fees. In the event the renewal fees are not received at the office of the license official within 75 days of each year when due, the licensee must reapply for the applicable retail license and pay a penalty of 100% of the fee due as part of the re-issuance fee, in addition to the applicable regulatory license fees. Failure to meet the renewal requirements shall result in an automatic forfeiture of the license effective on the date the existing license expires.

(c) If any licensee sells the place of business, the existing license shall be canceled. The purchaser of the business may apply for a license to sell alcoholic beverages in accordance with the procedures and requirements of this Chapter. If any licensee does not immediately notify the City of any change in ownership of the business, the City shall revoke that license.

Section 3-6-180 Penalties for Violations by a Licensed Establishment.

(a) Any license issued pursuant to this Chapter may be suspended or revoked for the violation by the licensee or the licensee's agent or employee of any provision of this Chapter or any other applicable ordinance or law relating to the possession, consumption, storage or sale of alcoholic beverages. If any person to whom a license has been issued under this Chapter no longer possesses the qualifications required by this Chapter for obtaining that license, the City may revoke or suspend that license.

(b) In addition to the suspension or revocation of licenses, the City may bring criminal charges or seek any other civil remedy available to the City for the violation of any provision of this Chapter.

(c) Violations of this Chapter by a licensee or any employee or agent of a licensee which occur within any 24-month period may be punished as follows:

(1) Upon a first violation of this Chapter the licensee shall be issued a warning.

(2) Upon any violation of this Chapter which occurs within 24 months of a prior violation, the licensee shall pay a civil fine of \$250.

(3) Upon any violation of this Chapter which occurs within 24 months of two prior violations, the licensee shall pay a civil fine of \$500 and the licensee shall have its license suspended for a period of three consecutive days concurrent with any suspension imposed by the State.