

SOUTH WEBER CITY COUNCIL AGENDA

PUBLIC NOTICE is hereby given that the **City Council of SOUTH WEBER CITY**, Davis County, Utah, will meet in a regular public meeting on **Tuesday, 23 August 2016** at the **City Council Chambers, 1600 E. South Weber Dr.**, commencing at **6:00 p.m.**

WORK MEETING:

5:30 p.m.

COUNCIL MEETING:

6:00 p.m. PLEDGE OF ALLEGIANCE – Council Member Taylor
PRAYER - Council Member Sjoblom
APPROVAL OF AGENDA
DECLARATION OF CONFLICT OF INTEREST

1. CONSENT AGENDA:

- ◆ Approval of August 9, 2016 Meeting Minutes
- ◆ Approval of August 9, 2016 Work Meeting Minutes

6:20 p.m.

2. ACTION ITEMS:

- a. **ORD. 16-16** Adding Code Section 3.09 Mobile Businesses and Amending Section 3.02.010 Types of Businesses
- b. **ORD. 16-15** Repealing Code Section 3.02.010 A.5. Types of Businesses
- c. Motion to approve the appraisal of City owned property of approx. 3.9 acres located at approx. 2071 E. South Weber Dr. (Parcel 13-033- 0077); and of approx. .58 acres located at approx. 2068 E. South Weber Dr. (Parcel 13-033- 0078)

7:10 p.m.

- ### **3. PUBLIC COMMENT:** Please keep public comments to 3 minutes or less per person (no action to be taken)

7:20 p.m.

4. CITY COUNCIL REPORT(S) ON DESIGNATED RESPONSIBILITIES

8:20 p.m.

- ### **5. CLOSED SESSION-** as per UCA § Section 52-4-205(1)(a): Discussion of the character, professional competence, or physical, or mental health of an individual.

8:50 p.m.

6. ADJOURN

THE UNDERSIGNED DULY APPOINTED CITY RECORDER FOR THE MUNICIPALITY OF SOUTH WEBER CITY HEREBY CERTIFIES THAT A COPY OF THE FOREGOING NOTICE WAS MAILED, EMAILED, OR POSTED TO:

CITY OFFICE BUILDING

EACH MEMBER OF THE GOVERNING BODY

UTAH PUBLIC NOTICE WEBSITE

CITY WEBSITE www.southwebercity.com

THOSE LISTED ON THE AGENDA

www.pmn.utah.gov

DATE: August 18, 2016

CITY RECORDER: Elyse Greiner

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

Agenda times are approximate and may be moved in order, sequence and time to meet the needs of the Council

SOUTH WEBER CITY CITY COUNCIL MEETING

DATE OF MEETING: 9 August 2016

TIME COMMENCED: 6:00 p.m.

PRESENT: MAYOR:

Tammy Long

COUNCILMEMBERS:

Scott Casas
Kent Hyer
Marlene Poore
Merv Taylor
Jo Sjoblom

CITY RECORDER:

Elyse Greiner (excused)

CITY MANAGER:

Tom Smith

Transcriber: Minutes transcribed by Michelle Clark

VISITORS: Louise Cash, Owen & Marie Cash, Greg Kiefer, Barbara Shupe, Cymbre Rowser, John Massengale, Bill Petty, Charlene Richens, Ray Richens, Randy Elliott, Joan & William Turner, Cathie Soutas, Courtney Brown, Neil & Mel Miller, Dave STanger, Cliff Griffist Shawn Byram, Rob Osborne, Mike Poll, Joshua Stock, Camala Stock, Erin Stone, Nate Coombs, Kaila Alvey, Ryker Alvey, Chris Alvey, Ned McCracken, Don Higgs, and Jessica Managano.

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

PLEDGE OF ALLEGIANCE: Council Member Sjoblom

PRAYER: Council Member Hyer

AGENDA: Council Member Taylor moved to approve the agenda as written. Council Member Hyer seconded the motion. Tom called for the vote. Council Members Casas, Poore, Hyer, Taylor and Sjoblom voted yes. The motion carried.

CONFLICT OF INTEREST: None

CONSENT AGENDA:

- Approval of July 26, 2016 Meeting Minutes
- Approval of July 26, 2016 Work Meeting Minutes
- Approval of July 2016
- Check Register

Council Member Hyer moved to approve the consent agenda as amended in the work meeting. Council Member Sjoblom seconded the motion. Tom called for a roll call vote. Council Members Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.

ACTION ITEMS:

Council Member Sjoblom moved to open the public hearing for Resolution 16-27. Council Member Casas seconded the motion. Tom called for a roll call vote. Council Members Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.

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

Public Hearing: Truth in Taxation – Motion to approve Resolution 16-27: Adopting a Certified Property Tax Rate for Tax Year 2016: Tom said in February he approached the Mayor and Council informing them of the need to increase property tax. He said a recent poll sponsored by the Utah League of Cities and Towns showed that most residents were uncertain how much of their property taxes go to their city or town. Tom then explained how property tax works and how it is broken down. He said the following entities receive property tax: Davis County School District (52%), State Basic School Levy (13%), Davis County (14%), Davis 2005 Jail Bond (1%), South Weber City (7%), County Library (3%), Weber Basin Water (1%), Mosquito Abatement (1%), Central Weber Sewer District (6%), and County Assess and Collect Levy (2%).

He said money collected from property taxes goes into the City’s general fund. If the increase is approved, the fiscal year 2017, South Weber City will receive approximately \$60,000 to \$200,000 in additional general property tax revenue.

Tom explained how property values are assessed. He said in the State of Utah there is a 45% exemption on primary residential properties, so homeowners only pay taxes on 55% of the assessed value of their home. If the County Assessor determines that the value of a home is worth \$200,000, and that home is the primary residence for someone, the owner would pay taxes on that property as if it were worth \$110,000 (55 percent of the full value).

Tom explained why property taxes change from year to year. He said there are a couple of things to keep in mind when considering how your property taxes might increase from year to year:

1. “Cost of Living” or Inflation
2. Truth in Taxation Hearing held by the City
3. Truth and Taxation Hearing held by another taxing entity
4. Increase in assessed property values
5. Bond Payment Obligations

Tom said there is no "cost-of-living" or inflation adjustment to property tax. The amount of money the city receives from property taxes is fixed, regardless of inflation.

Tom said the Davis County Auditor determines the “certified tax rate”. This “certified tax rate” will go up or down as needed to arrive at the “same amount of tax” figure - the rate which will

give the city the same amount of property taxes as the prior year. The only way the city can get more property taxes than allowed by the "certified tax rate" is to hold a Truth in Taxation hearing and make a case for a tax increase to the public.

Tom said Utah law requires "Truth in Taxation" hearings to be held when a taxing entity elects to collect more revenue than was collected the previous year, not counting the revenue generated by new growth, such as a new subdivision or business.

According to the Davis County Assessor's Office, the average home in South Weber City increased in value from \$139,000 to \$152,266 this year, an increase of 9.2%. Because assessed values went up, the calculated rate went down from .000941 to .000881, a practice required by state law that maintains the City's revenue the same as the previous year.

Tom said if the City maintains the rate at .000881; the average resident will pay approximately \$134.14 ($\$152,266 \times .000881$) in property taxes for the year to the City. If the City uses the newly proposed calculated rate of .001057, the average resident will pay approximately \$160.94 to the city ($\$152,266 \times .001057$), or approximately \$26.80 more than with the calculated rate. The additional revenue to the City at a rate of .001057 versus .000881 is \$60,000.

He explained that in addition, the City Council has discussed the possibility of increasing the tax rate to .001462, where the average resident will pay approximately \$222.61 ($\$152,266 \times .001462$) in property taxes for the year to the City, or approximately \$88.47 more than with the calculated rate. The additional revenue to the City at a rate of .001462 versus .000881 is \$205,389.00.

Tom reviewed tax rate comparisons which are as follows:

1. $\$152,266 \times .000881 = \134.14 in property taxes for the year to the City or \$11.17/month. No additional revenue.
2. $\$152,266 \times .001057 = \160.94 , approximately \$26.80 more than with the calculate rate, or \$13.41/month. The additional revenue to the City is \$60,000.
3. $\$152,266 \times .001462 = \222.62 , approximately \$88.47 more than with the calculated rate, or \$18.55/month. The additional revenue to the City is \$205,389.00

Tom said South Weber City has not proposed a tax rate increase since its incorporation in 1971. This additional revenue will be used to supplement funding for South Weber City's continual efforts to maintain and enhance its infrastructure and basic services to the public. These efforts include maintenance and reconstruction of City roads, parks & trails, public safety (law enforcement, fire protection, and animal control services), and equipment & facilities improvements. Tom said the City Council has discussed projects such as 1250 East, Cottonwood Drive reconstruction, and salt storage facility for Public Works Department.

Raymond Richens, 7910 S. 2310 E., said his home has had a large increase and the tax increase imposed by the State is \$400. He said he didn't get a raise and his wife didn't get a raise. He appreciates the explanation with the graphics but South Weber City verses other cities is hard to swallow. He said South Weber City has a volunteer Fire Department. He finds it hard to believe that the City has its hands out. He feels he is being expensed more than he is comfortable with.

He is wondering why the City has fifteen parks that need to be maintained. He feels that is excessive.

Joshua Stock, 7858 S. Peachwood Drive, said he has lived in South Weber for nearly all his life. He is disappointed in the property tax increase. He feels property ownership is deteriorating. He discussed the high expenditures increase. He is concerned why South Weber needs a \$10,000 travel budget. He said inflation only makes up a 5.3% increase. He is concerned that citizen's rights are being trampled on.

Barbara Shupe, 933 E. South Weber Drive, said she is retired and she would love a 20% increase. She would like to know why and where the City needs this money. She would like the City to prove to her why they want that money.

Dave Stanger, 1026 E. South Weber Drive, said his taxes have gone up over \$600 a year. He is retired and in another ten years he won't be able to afford his home. He said it is getting to be where he will be paying 10% of his income in taxes.

Shawn Byram, 154 E. Harper Drive, questioned if the City has any money in the PTIF (public treasury investment fund). Mark said about half a percent. He asked how much the Maverik is bringing in. He would suggest tabling until the City has an idea on how much is needed.

Jessica Mangano, 1852 E. 7775 S., said she has compared her water bill with surrounding cities. She would like to know why she pays more than other cities and where that approximate \$25 revenue is going.

Cymbre Rowser, 985 E. 7375 S., said her water bill has gone up from \$25 to \$100 a month. She was a single mother and barely able to make ends meet. She suggested waiting to see what kind of revenue will come into the City with Maverik.

William Petty, 7898 S. 2800 E., said he is in a unique position because he has been on the other side. In the last few meetings he has attended, there has been talk of a road going to no where, the need for roads, parks, selling posse grounds. He feels the Council needs to take a good look on what is going on. He would suggest reaching out to the Legislature concerning the small amount of money cities receive from sales tax.

Ned McCracken, 2252 Deer Run Drive, said it is frustrating to see taxes raised, but the City's roads are not what they should be. He believes this is a tax that we need. He too is retired and on a fixed income. He feels the Council has been very frugal with it. He commended them for what they have done with it. He feels the tax increase will make the community better. He believes a rate increase is needed.

Rob Osborne, 2317 View Drive, said he opposes any kind of tax increase. He is concerned about Visa charges. He feels too much is being put into the Fire Department. He feels the City needs to look at combining with Layton City.

Mike Poll, 1288 E. South Weber Drive, thanked the Council for all they do and understands this is a challenge for them. He feels the 66% is high. He said his taxes have gone up and the

revenues for the City have gone up. He thinks the amount the City has received should have gone up with inflation. He referred to the City newsletter.

Neil Miller, 2412 East Deer Run Drive, said this is interesting to listen to. He said South Weber City is unique. He said he works for Farmington City and it is expensive to run and maintain a City. He is willing to pay to keep the City the way it is. He said if it is going to cost him \$10 a month he is for it.

Courtney Brown, 1484 E. 7500 S., said she voted for them in hopes that they will listen to us. She isn't sure a property tax is needed right now. She knows that growth brings a lot of money to the City and so she is confused as to why the increase is needed. She did speak to Tom Smith and he told her this will happen every year. She is concerned about the upgraded need for buildings and the \$10,000 travel budget.

John Massengale, 7998 S. 2250 E., said he has listened to all the comments. He is on a retired income. He said \$8 for his property to live in a nice city. He doesn't hear everyone calling Verizon or Direct TV. He said priorities don't match. He would complain more about what is paid the Davis County Animal Control because they only come when you call about a dead animal. He feels every single resident in the City should have to serve one term in those seats.

Charlene Richens, 7910 S. 2310 E., said she drives a twelve-year old car and makes sacrifices to live in South Weber City. She is willing to pay her percentage but her house value went up.

Erin Stone, 5077 East Sandalwood, said he knows government is for the people. He said if this were a referendum we would vote no.

Council Member Hyer moved to close the public hearing for Resolution 16-27. Council Member Taylor seconded the motion. Tom called for a roll call vote. Council Members Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.

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

Council Member Taylor said we are elected to represent the residents of the City. He said we are faced with the responsibility of running this City. He said a citizen voiced that they want to be proud of our City and sometimes we have to bite the bullet. He understands many are on a fixed income. He feels the citizens have spoken.

Council Member Sjoblom said she has been a proponent of raising property taxes. She too drives older vehicles. She complimented those in attendance for remaining in control. She has reviewed the numbers and things don't add up. She said there is a huge need to maintain the City. She said \$60,000 isn't even near enough for some of the big projects that the City has coming up. She does want to see the City look decent and basic needs taken care of. She said the Council is still looking so hard at the budget and they will continue to do that. She thanked Council Member Poore for all her time and research on the budget. She said the City has never done this. She doesn't see another alternative.

Council Member Poore said she has done some comparisons with other cities and she feels there are a lot of places the City can still improve. She is not in favor of a tax increase at this time.

Council Member Casas said he has served for 2 ½ years and he has never seen a greater effort to make cuts. He said the amount of cuts will not offset the problems with the City's roads. He is not in favor of the increase but the City is on a collision course. He said Maverik is nice but one road in the town will cost \$400,000 and the tax increase won't even touch that.

Council Member Hyer thanked everyone for coming. He said South Weber City is unique. He said the City doesn't have a lot of commercial income. He said Council Member Poore has taken a lot of time reviewing expenses. He said it would have been nice if the property tax increase had been going on over time but nothing has been done since 1971. He said he is not in favor of the 66% but he will also say that the studies that have been done on the roads in the City, he suggested driving over Cottonwood Drive. He said ultimately we pay for a lifestyle in South Weber than other surrounding cities. He said this City doesn't have a lot of commercial and it is a country feel. He said there is a price to be paid for that. He said there have been practices over the years that most of us don't agree with. He said they are trying to do everything they can.

Mayor Long said the City has received some funding. She said the requirement is a 50/50 match and this City doesn't have that kind of funding. She thanked everyone for coming and sharing their comments.

Council Member Hyer moved to approve Resolution 16-27: Adopting a Certified Property Tax Rate of 20% for Tax Year 2016-2017. Council Member Sjoblom seconded the motion. Tom called for a roll call vote. Council Members Hyer and Sjoblom voted yes. Council Member Taylor, Poore, and Casas voted no. The motion died.

Motion to Approve Resolution 16-28: Adopting the South Weber City Fiscal Year 2016-2017 Budget: Tom gave a brief synopsis of the 2015-2016 accomplishments. He said they have upheld and preserved basic service levels despite the decrease of two full-time employees, a Code Enforcement Officer has been hired, a vehicle replacements and infrastructures replacement plan have been initiated and adopted, and commencement of a City's Impact Fee Analysis, Utility Rates Studies and Business Licensing Fees have begun, and are in progress, approved completed to the Raymond Drive storm drain and Cottonwood Cove Sewer Line Outfall projects, a complete reconfiguration of the City's subdivision, engineering/planning, and accounts receivable has been completed, the procurement of City qualified grants of \$65,000 from UDOT Safe Sidewalk Program, and resurfaced the basketball court at Family Activity Center. Tom then reviewed the major funds in the City. He said the storm drain fund is \$287,700. The general fund has \$2,549,400. The recreation is \$232,400. Country Fair Days is \$47,275, Capital Projects is \$323,000, Water is \$1,044,500, Sewer \$1,297,000, and Sanitation is \$329,000.

Tom reviewed budget priorities and services which include: 1. Facilitate the completion of the City's Capital Facilities Plan, Impact Fee Analysis, and Utility Rate Studies, 2. Manage and coordinate the site plan evaluation of the west end water reservoir, 3. 1250 East storm drain project, 4. Cottonwood Dr. reconstruction project, 5. Complete the UDOT pedestrian safety sidewalk project, 6. Conduct preliminary plans for the Road Service Life (RSL) plan, 7. Procure, manage, coordinate, and inspect the replacement and upsizing of the sanitary sewer line from

6650 E to the Cottonwood Cove Subdivision, and 8. Install a traffic light at the intersection of South Weber Dr., & 2700 East.

Tom reviewed the population growth and community development and stated South Weber City continues to have 45-55 building permits per year. The number of building permits is expected to increase with larger subdivisions entering the City.

He said the City's General Plan envisions and provides for additional residential development, however, the City is in need of additional commercial development zones that appeal to profitable business groups. Economic development continues to be a main priority and an essential need for the City as sales tax revenues have a very strong potential in alleviating the service cost pressures of water, sewer, garbage, streets, police, fire, and parks.

Tom review tax rates and fees. He said the consolidated fee schedule is continually being updated to meet the costs. He reviewed South Weber city personnel achievements which are as follows: 1. Maintain the same level of service less two full time employee, 2. Elimination of KHSA Financial Consultants due to the surpassed competencies of the financial department with a savings of \$16,000, 3. Converting communications, applications (subdivision, business licenses, GRAMA requests, etc.), and archiving of City records to paperless/digital solutions, 4. a review of all City fees (in order to cover the costs of business) including subdivisions, engineering, accounts receivable, water leak detection, utility rates, and impact fess., 5. Converted from Zions Bank credit cards to the State purchasing card program (US Bank), 6. Increased use of the State Procurement Contracts, 7. The Public Works use of the Job Corps kids implemented into the City's programs, 8. Continuous evaluation by staff for alternative options to procurement, 9. Decrease to the amount of public notices disseminated, 10. Initiated a recycling program into the City offices, 11. Comprehensive and constant evaluations of the necessity and use of computer programs, 12. Procuring for City qualified grants, 13. All Public Works employees are Grade IV certified, and 14. ULGT Trust Accountability Award

Tom said South Weber City Administration is commissioned to present an accurate and complete budget to the City Council for approval in an open and public meeting. The FY 2016-2017 budget is a balanced budget and meets the requirements as indicated by state law.

Tom asked the Council to please allocate a 3% for employees for the budget. Council Member Sjoblom asked if that is performance based. Tom said, "yes". Council Member Poore would like to compare salaries with other cities. She is not in favor of a 3% increase right now. Tom asked if he can work it out with the budget and conducted an evaluation in November. Mayor Long would like to see an evaluation first.

Council Member Hyer moved to accept the certified tax rate for .00088. Council Member Sjoblom seconded the motion. Council Members Hyer, Poore, Taylor, and Sjoblom voted yes. Council Member Casa voted no. The motion carried 4 to 1.

Council Member Hyer moved to approve Resolution 16-28: adopting the South Weber City Fiscal Year 2016-2017 Budget and amend it to not include the property tax increase. Council Member Taylor seconded the motion. Tom called for a roll call vote. Council Members Casas, Hyer, Poore, Taylor, and Sjoblom voted yes. The motion carried.

CITY COUNCIL ITEMS:

Council Member Sjoblom:

City Entrance Sign on East End: She has been in discussions with Dan Murray who is developing the property across the street from Maverik. He has changed the location of his sign which affects the City sign location. She will continue to work with Maverik and check out other possibilities.

Speed Wagon: This is now located at 7500 South. She said stop signs are \$140 a piece.

Council Member Hyer:

Country Fair Days: He thanked all of those who participated, supported, and helped in anyway to make this year's celebration a successful event.

Gravel Pit Committee: He and Council Member Casas attended a committee meeting with Parsons concerning what can be done with dust control etc. He said they will be meeting with Geneva as well.

MAYOR'S ITEMS:

F-35's: They are currently flying at Hill Air Force Base.

CITY MANAGER'S ITEMS:

Budget: Mark McRae thanked the City staff for all their hard work on the budget. Tom echoed what Mark said and thanked the Council for all they have done.

Doug Ahlstrom: He thanked the Council for all they have done. He said when you are talking about stop signs. He would recommend being in contact with the engineer and public safety help with location. Council Member Sjoblom said they have been in contact with both.

PUBLIC COMMENTS:

John Massengale, 7998 S. 2250 E., said until citizens in South Weber have been educated on stop and speed limit street signs; you just as well take them all down. He spent four years doing Neighborhood Watch and listened to complaints. He said even adults are in violation.

William Petty, 7898 S. 2800 E., thanked the Council and Mayor for all they do and he appreciates what they are trying to do. He has heard a lot of comments about the City parks. He is concerned about the lack of a big toy in Central Park. He asked if there is anything the citizens can do to help the parks. He feels the City needs to do what they can to support the youth in the City. He is willing to help find a grant to help.

Jessica Mangano, 1852 E. 7775 S., said Fruit Height raised funds for their castle park and had community involvement to help build it. She would like to know if the City is charging for GRAMA request. She said that would be a revenue for the City.

ADJOURNED: Council Member Hyer moved to adjourn the meeting at 8:04 p.m. Council Member Poore seconded the motion. Council Members Casas, Hyer, Poore, Sjoblom, and Taylor voted yes. The motion carried.

APPROVED: _____ Date

Mayor: Tammy Long

Transcriber: Michelle Clark

Attest: _____
City Manager: Tom Smith

DRAFT

SOUTH WEBER CITY COUNCIL WORK MEETING

DATE OF MEETING: 9 August 2016

TIME COMMENCED: 4:30 p.m.

PRESENT: MAYOR:

Tammy Long

COUNCILMEMBERS:

Scott Casas
Kent Hyer
Marlene Poore
Merv Taylor
Jo Sjoblom

CITY RECORDER:

Elyse Greiner (excused)

CITY MANAGER:

Tom Smith

FINANCE DIRECTOR:

Mark McRae

CITY ATTORNEY:

Doug Ahlstrom

Transcriber: Minutes transcribed by Michelle Clark

VISITORS:

CONSENT AGENDA:

- Approval of July 26, 2016 Meeting Minutes
- Approval of July 26, 2016 Work Meeting Minutes
- Approval of July 2016
- Check Register

Mayor Long asked if there were any questions or concerns with the minutes. Council Member Poore questioned the meeting on 26 July 2016 and said she would like the code referenced by Doug Ahlstrom concerning commercial zones to be included in the minutes. Mayor Long asked if there were any questions concerning the check register. Council Member Poore asked about meter replacement of \$1398 to HD Water Works. Mark McRae said he can pull the invoice. Council Member Casas asked about Griffin Fast Lube. He asked if the City can do oil changes and safety & emissions at the businesses in the City. Tom will look into it to make sure it is done from somebody who is licensed. Council Member Casas suggested looking into Lyle Jorgensen and King Automotive. Mayor Long asked why the gas card wasn't used for work truck gas. Tom estimated that would have been for gas cans for smaller engines. It was stated Maverik will be used from now on for the gas cards. Council Member Poore questioned the \$2,400 to Jones & Associates for Riverside Place Subdivision. Mark McRae said the invoice is itemized. Council Member Poore asked about \$2,600 for water valve repair. Mark reviewed the invoice for water meter replacement and explained exactly what was purchased. Council Member Taylor asked about the mattress purchase for the Fire Department. Tom said he will

talk to the Fire Chief about any possibility of returning it. Council Member Poore asked about getting the number of new residential building permits and was told that information isn't available. Tom will look into that. He said it is his understanding that the software for that is old. Council Member Sjoblom asked about the storage for Country Fair Days equipment for \$990 at South Weber Storage. It was stated the cost of \$990 is for six months. The Council suggested looking into the cost of a portable facility.

ACTION ITEMS:

Public Hearing: Truth in Taxation – Motion to approve Resolution 16-27: Adopting a Certified Property Tax Rate for Tax Year 2016: Tom said the proposal is for \$8 per month which would bring in approximately \$205,000 a year. He said after the last Council meeting it was suggested to get this information out to the public. Council Member Hyer is concerned because the original discussion was to go with the 20% increase for property tax. Tom said originally it was proposed at 20%. He said the Council has three options: 1. adopt the County certified tax rate with no revenue received, 2. approve \$2.30 per month property tax increase, or 3. approve \$8.00 per month property tax increase. Council Member Poore and Hyer are concerned because they feel the Council doesn't know what the money will be used for specifically. Doug Ahlstrom suggested Tom's presentation include the 20% and then the proposal to go to a 66% increase.

Council Member Hyer feels increasing the property tax every other year is palpable for individuals versus the 66% increase. He understands over the next decade property tax will need to be increased. Tom said to do his job correctly; he will be coming to the Council every year for an increase. Council Member Poore feels there are issues that still need to be addressed. She has compared South Weber City with other cities and she is concerned about the amount of money being spent. Council Member Taylor said constituents he has talked to don't even want the 20% increase. Mayor Long said she knows of an individual that would want the increase of 66%. Council Member Poore said she receives complaints from residents who feel money is wasted in the City. She feels 20% should be the limit. Council Member Casas said there are cities with budgets that are vastly different from South Weber City. Council Member Taylor asked if there have been requests to look into Layton City for fire protection. The Council discussed using the fire station for a possible public works building or city office. Council Member Poore said there are other cities that rent out portions of their building for receptions etc. Council Member Sjoblom asked about increasing the property tax 33% as a compromise from 20% to 66%. She said that would bring in approximately \$100,000 instead of \$60,000. Council Member Taylor, Casas, and Hyer said they are not in favor of 33%. Council Member Hyer feels a gradual increase is better and allows for residents to plan for it in their budget.

Council Member Casas reported that he met with Parsons Gravel Pit. He suggested more landscaping and more water on the outside of the pit. He said Parsons has recently purchased a new water cannon deep into the pit. Tom said we will be meeting with Geneva as well. Council Member Casas will follow up with Davis County Environmental Health.

Motion to Approve Resolution 16-28: Adopting the South Weber City Fiscal Year 2016-2017 Budget: Council Member Sjoblom would like to see an outside party assess and evaluate ways the City can improve. She would like to see something put into place because she feels this could eliminate the same discussions taking place over and over again.

Council Member Poore questioned page 10 general fund expenditures. Council Member Casas is wondering why administration jumped up high. Mark explained the increase because of specific transfers. Council Member Casas asked if there is a different way to prepare page 10. Tom said this is a summary of each fund.

Tom reported that the Council has expressed an interest in upgrading Cottonwood Drive and 1250 East. He said these will be big projects. Mark said funding for these is either property tax or sales tax because there isn't enough in Class "C" road funds.

Adjourned at 6:00 p.m.

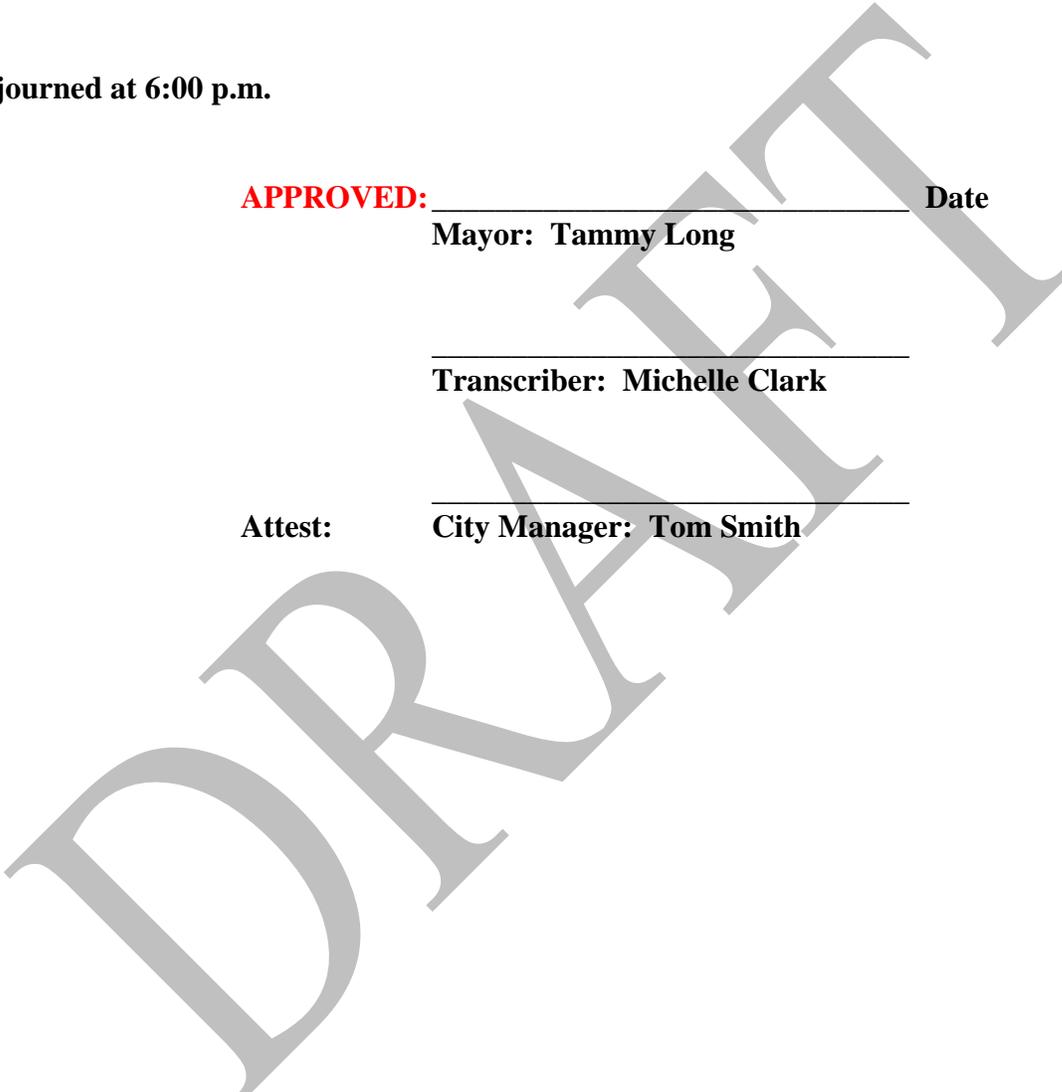
APPROVED: _____ **Date**

Mayor: Tammy Long

Transcriber: Michelle Clark

Attest:

City Manager: Tom Smith



ORDINANCE 16-16

ORDINANCE ADDING CHAPTER 3.09 MOBILE BUSINESSES TO SOUTH WEBER CITY CODE AND AMENDING CHAPTER 3.02.010 TYPES OF BUSINESSES

WHEREAS, on the 14th of July, 2016 the South Weber City Planning Commission held a public hearing and discussion in subsequent meetings, and has made a favorable recommendation to approve adding Chapter 3.09 to City Code and amending Chapter 3.02.010 Type of Businesses to the South Weber City Council; and

WHEREAS, the South Weber City Council has reviewed the addition and amendment and concurs with said favorable recommendations from the Planning Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH WEBER CITY, STATE OF UTAH, AS FOLLOWS:

Section 1. Chapter Added. Chapter 3.09 is hereby added to South Weber City Code and 3.02.010 amended to read as attached hereto.

Section 2. Severability Clause. If a court holds any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

PASSED AND ADOPTED by the City Council of South Weber, Davis County, on _____ day of _____ 2016.

ATTEST:

Elyse Greiner, City Recorder

MAYOR: Tamara Long

Roll call vote is as follows:

| | | |
|--------------|-----|----|
| Mr. Casas | Yes | No |
| Ms. Poore | Yes | No |
| Mr. Hyer | Yes | No |
| Mrs. Sjoblom | Yes | No |
| Mr. Taylor | Yes | No |

3.09 Mobile Businesses

3.09.010 Purpose and Intent:

It is the purpose and intent of the City Council, in enacting this chapter, to provide responsible businesses and individuals who engage in the operation of mobile businesses with clear and concise regulations to prevent safety, traffic, and health hazards, as well as to preserve the peace, safety and welfare of the community.

3.09.020 Definitions:

Mobile Business(es): Term used collectively to refer to mobile food vendors, mobile street vendors, mobile vendors, and mobile business courts.

Mobile Food Vendor: A business that serves food or beverages from a self-contained unit either in a motorized or non-motorized vehicle, trailer, or a cart on wheels, and is readily movable.

Mobile Business Court: Where three or more mobile food vendors or mobile street vendors congregate to sell product to the public or any cluster of more than two mobile food vendors or mobile street vendors located within 300 feet shall be considered a mobile business court.

Mobile Street Vendors: A business that sets up temporary sales from a tent, table or other portable structure which is doing business on behalf of a licensed business with a permanent structure. These vendors are only allowed to sell merchandise that is part of the regular inventory of the licensed business.

Mobile Vendor: A business that sells products or services from a self-contained unit either in a motorized or non-motorized vehicle, trailer, or a cart on wheels and is readily movable.

Vendor: A person 18 years of age or older who is the permittee authorized to operate the business and holds the necessary credentials to operate the business, such as a driver license or food handlers permit.

3.09.030 Location:

- a. Mobile Businesses may only set up business at City Parks, church properties, schools, or other properties intended for the use of the public as approved by the Planning Commission and with the permission of the property owner.
- b. No business shall be conducted in the public road right-of-way unless permitted by the Land Use Authority.
- c. Mobile businesses shall be parked so neither the vehicle nor the customers interfere with public access to adjacent driveways or entrances to existing buildings or uses.
- d. The mobile business shall not operate as a drive-thru.
- e. All mobile businesses utilizing City parks must reserve the park space so as not to inadvertently create a mobile business court. Reservations shall be made on a first-come-first-served basis.

- f. The storage of mobile businesses for any period of time on property in residential or agricultural zones shall follow the home occupation guidelines as set forth in 10.11.110.

3.09.040 Use Rules:

- a. Business Activity - All business activity related to mobile businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve hours within a 24 hour period at any one location or for more than three consecutive days within a 7 day period on either public or private property.
- b. Hours of Operation – Permitted hours of operation shall be between 7:00 a.m. and 10:00 p.m. at approved sites.
- c. Canopy – Any canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto or over the public sidewalk or any other part of the public right of way in a way that impedes pedestrian passage or is lower than seven feet measured from the lowest portion of the canopy to the sidewalk or ground surface.
- d. Signage – All signage must be permanently attached to the mobile vehicle, trailer, cart or moveable structure except each business may have one additional sign that shall not exceed three feet in width or four feet in height and shall be placed no more than ten feet from the mobile business.
- e. Trash Receptacles - Vendors shall provide trash receptacles which shall be removed from the site and all trash, refuse and debris shall be properly removed from the location each day. It is illegal to discharge or dispose of any substance, material, food, grease, culinary oils used for food preparation, or waste onto a public right-of-way or into the storm drain system.
- f. Utilities – Any auxiliary power or water required for the operation of the mobile business shall be self-contained unless connection to the utility is expressly permitted by the property owner or the owner’s authorized designee.

3.09.050 Application Requirements:

- a. Submit a completed application requesting to operate a mobile business in the City to the Building License Official. All requirements and attachments set forth on the application including fees, according to the current fee schedule, shall be submitted with the application before the application shall be deemed complete. No application shall be considered by the Building Official and/or the Planning Commission until it is complete.
- b. The following information shall be provided on each application:
 - i. Business and contact information;
 - ii. Description of all products to be sold;
 - iii. Sign plans;
 - iv. Site plan showing exact location of intended operations and letter of approval from private property owner if applicable;

- v. Proof of all applicable health permits, business licenses, business and tax registrations, and any other terms required by the City, County, or State to operate the business;
 - vi. A photograph of the vehicle, trailer, cart, or structure to be used;
 - vii. The number of vehicles or trailers to be used in the business, its license plate number, vehicle identification number (VIN), proof of insurance coverage and registration;
 - viii. The number of carts, stands, or structures to be used in the business, market, or court; and
 - ix. A signed statement that the licensee shall hold the City and its officers and employees harmless from any and all liability and shall indemnify the City and its officers and employees from any claims for damage to property or injury to persons arising from any activity carried on under the terms of the license.
- d. If any of the application information changes, the applicant or licensee, as the case may be, shall deliver current information to the City Business License Official within ten-business days following the change.
 - e. Separate applications shall be required for each mobile business. Separate business license fees shall be required for each mobile business vehicle operating under one business license.
 - f. All applications for operating a mobile business shall be reviewed and approved by the Business Licensing Official. Appeals shall be determined by the Planning Commission.

3.09.060 Licenses/Permits Required:

- a. Business License: Mobile businesses based in South Weber City shall require a City business license.
- b. Special Event Permit: Mobile businesses that come to the City for a special event, such as but not limited to Country Fair Days, carnivals, festivals, fundraisers, or circuses shall first obtain a Special Event Permit and shall be limited to a maximum operating period of 2 weeks.
- c. Recurring Operation Permit: Mobile businesses that come to the City on a regular basis with a fixed schedule shall obtain a Recurring Operating Permit and shall be limited to a maximum operating period of 6 months beginning on the day the permit is approved.
- d. Single Use Permit: Mobile businesses that come to the City at irregular intervals shall obtain a new permit with each visit.

3.09.070 License/Permit Restrictions:

A license/permit restriction shall not apply in the following circumstances:

- a. The mobile food vendor is catering an event on private property or public property reserved for private purposes, meaning the mobile business has been invited by the event sponsor to serve or sell food at an event that is not open to the public.

- b. The mobile business is a 501(c)(3) organization; in which case proof of the designation shall be required.

3.090.080 Penalty:

- a. Failure to comply with the requirements of this Chapter shall be grounds for denial, suspension or revocation of a business license or permit.
- b. Conflicting Provisions: Nothing in this chapter shall be construed to prevent or in any manner interfere with the enforcement of any penalty provisions contained in any other ordinance of the city.
- c. Violation: Any person who violates any provisions of this chapter shall be guilty of a class B misdemeanor, and upon conviction, shall be punished as provided in SWMC 1.04.010. Each day that person shall violate or continue to violate this chapter after notice of such violation by the City or its officers or agents, shall be considered to be a separate violation, and shall be punished as such.

3.02.010 Types Of Businesses

- A. License Required: It shall be unlawful for any person to operate any of the following types of businesses within the city without first making an application to the city and obtaining a business license:
 - 1. Home Occupation Without On Site Patrons/Employees: Any business conducted from a residence that has neither patrons nor employees frequenting the business at any time.
 - 2. Home Occupation With On Site Patrons/Employees: Any business conducted from a residence that has patrons and/or employees frequenting the business.
 - 3. Group Home: A residential facility for elderly or handicapped persons consistent with the zoning of the desired location, that is occupied on a twenty-four (24) hour basis by eight (8) or fewer individuals in a family type arrangement and in conformance with applicable standards of the Utah department of social services.
 - 4. Commercial: Any business conducted for profit that is not located within a residence.
 - 5. Rental Units: A building or part of a building that is used or designated for use as a residence by one or more persons, and is available to be rented, loaned, or leased for a period of one month or more.
 - 6. Construction: A person or business that builds, excavates, or completes any work towards the completion of (i.e., electrical, mechanical) a building or structure and whose business is located within the city.
 - 7. Mining: Those activities conducted on the surface of the land for the exploration for development of or the extraction of mineral deposits from its natural occurrences, including surface mining and surface effects of underground mining, including on site transportation or other primary processing.
 - 8. Mobile Business: Any business conducted for profit that is operated independently from or as an extension of a brick and mortar business location.
- B. Permit Required: It shall be unlawful for any person to operate any mobile business or business on a mobile platform, such as a truck, trailer or cart, within the city without first

making an application to the city and obtaining the required permit independent of or in conjunction with a business license.

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that ***Ordinance 16-16: Ordinance Adding Chapter 3.09 Mobile Businesses to South Weber City Code and Amending 3.02.010 Types of Businesses*** was passed and adopted the ____ day of _____ 2016, and certifies that copies of the foregoing Ordinance 16-16 were posted in the following locations within the municipality this ____ day of _____, 2016.

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

Elyse Greiner, City Recorder

ORDINANCE 16-15

AN ORDINANCE OF THE SOUTH WEBER CITY COUNCIL REPEALING CODE SECTION 3.02.010 A.5. TYPES OF BUSINESSES; RENTAL UNITS

WHEREAS, the City Council has reviewed City Code Section 3.020.010 A.5. and found it to be an unnecessary type of regulated business;

NOW, THEREFORE, BE IT ORDAINED, by the City Council of South Weber City that Code Section 3.020.010 A.5. is repealed effective immediately upon passage of Ordinance 16-15.

Section 1. Repeal. Section 3.02.010 A.5. of the South Weber City Code is hereby repealed.

Section 2. Severability Clause. If a court holds any part or provision of this Ordinance invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all provisions, clauses and words of this Ordinance shall be severable.

PASSED AND ADOPTED by the City Council of South Weber City, South Weber, Davis County, Utah, this **23rd day of August, 2016.**

Tamara P. Long, Mayor

Attest:

Elyse Greiner, City Recorder

Roll call vote is as follows:

| | | |
|--------------|-----|----|
| Mr. Casas | Yes | No |
| Ms. Poore | Yes | No |
| Mr. Hyer | Yes | No |
| Mrs. Sjoblom | Yes | No |
| Mr. Taylor | Yes | No |

CERTIFICATE OF POSTING

I, the duly appointed recorder for the City of South Weber, hereby certify that ***Ordinance 16-15: An Ordinance of the South Weber City Council Repealing Code Section 3.02.010 A.5. Types of Businesses; Rental Units*** as passed and adopted the ____ day of _____, 2016, and certify that copies of the foregoing Ordinance 16-15 were posted in the following locations within the municipality this ____ day of _____, 2016.

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

Elyse Greiner, City Recorder