

HOOPER CITY
CITY COUNCIL AGENDA
APRIL 6, 2023 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

Notice is hereby given that the Hooper City Council will hold a work meeting at 6:30pm and their regularly scheduled meeting at 7pm on Thursday, April 6, 2023, at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

Work Meeting – 6:30pm

1. Discussion on Agenda Items – City Council

Regular Meeting – 7:00pm

1. Meeting Called to Order
2. Opening Ceremony
 - a. Pledge of Allegiance
 - b. Reverence
3. Public Comments on Agenda Items
4. Consent Items
 - a. Motion – Approval of Minutes dated March 16, 2023
5. Declarations of conflicts of interest or disclosures by council members
6. Discussion Items, Reports, and/or Presentations
 - a. Election Security Presentation by Weber County
7. Action Items
 - a. Motion – Approval of Commercial Business License Application for Trease Storage LLC located at 5630 W 5300 S
 - b. Motion (Roll call vote) - Approval of Ordinance No. 0-2023-03, for Energy Tax for the sale and use of natural gas and electricity
8. Public Comments on items not on the agenda (*No action can or will be taken on any issue presented*)
9. Adjournment

Morghan Yeoman

Morghan Yeoman, City Recorder

**Please see notes regarding public comments and public hearings*

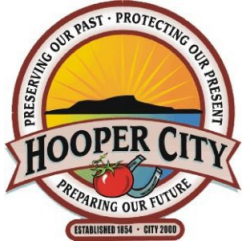
In compliance with the American with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 801-732-1064 or admin@hoopercity.com at least 48 hours prior to the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Hooper City limits on this 6th day of April, 2023 at Hooper City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <https://www.hoopercity.com/meetings>.

***NOTES REGARDING PUBLIC COMMENT AND PUBLIC HEARINGS**

- A. Time is made available for anyone in the audience to address the City Council during public comment and through public hearings.
 - a. When a member of the audience addresses the council, they will come to the podium and state their name and address.
 - b. Each person will be allotted three (3) minutes for their remarks/questions.
 - c. The City Recorder will inform the speaker when their allotted time is up.



HOOPER CITY
CITY COUNCIL MEETING MINUTES
THURSDAY, MARCH 16, 2023, 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

The Hooper City Council held a work meeting at 6:30pm and their regular meeting at 7pm on March 16, 2023, at the Hooper City Civic Center located at 5580 W. 4600 S, Hooper, UT 84315.

COUNCIL MEMBERS PRESENT:

Cindy Cox – Mayor Pro Tem
Dale Fowers – Mayor
Ryan Hill
Debra Marigoni
Lisa Northrop
Bryce Wilcox

CITY STAFF & PLANNING COMMISSION PRESENT:

Morghan Yeoman – City Recorder
Reed Richards - Attorney

COUNCIL MEMBERS

EXCUSED:

AUDIENCE PRESENT:

See attached list.

6:30PM WORK MEETING

1. Discussion on Agenda Items

At 6:30pm the City Council held a work meeting where agenda items were discussed.

7:00PM REGULAR MEETING

1. Meeting Called to Order – Mayor Dale Fowers

At 7:00pm Mayor Dale Fowers called the meeting to order.

2. Opening Ceremony

a. Pledge of Allegiance

Council Member Wilcox led in the Pledge of Allegiance.

b. Reverence

Council Member Cox offered reverence.

3. Citizen Comment(s) on Agenda Items

(Residents attending this meeting were allotted 3 minutes to express a concern or question about any issue that was ON THE AGENDA)

Mayor Fowers asked that we take the public comments for the Agenda Items when discussing the action items.

4. Consent Items

a. Motion – Approval of Minutes dated March 2, 2023

**COUNCIL MEMBER COX MOVED TO APPROVE
THE MINUTES DATED MARCH 2, 2023. COUNCIL
MEMBER MARIGONI SECONDED THE MOTION.
VOTING AS FOLLOWS:**

COUNCIL MEMBER:

VOTE:

COX

AYE

HILL

AYE

MARIGONI

AYE

NORTHROP

AYE

WILCOX

AYE

MOTION PASSED UNANIMOUSLY.

5. Declarations on conflicts of interest or disclosures by council members

There were no declarations of conflicts of interest or disclosures by council members.

6. Discussion Items, Reports, and/or Presentations

a. VIP Service Presentation

- i. Sargent Greenhalgh gave presentation of what the program consists of. Gave the council members each a handout (available in office) to review. He explained the recruitment and how to get stated. Sargent Greenhalgh also explained that the volunteers are trained once a month and provided the dates.

b. Audit Presentation for Fiscal Year 2022

- i. Ron Stuart explained what he does as an Auditor and what their 3 step process looks like. Assured the council members that they do multiple testing of financial statements that are correct and finding any minor or major finance issues.
- ii. Cami Moss from Child Richards CPA & Advisors reviewed the Financials with the council.

COUNCIL MEMBER WILCOX MOVED TO ACCEPT THE AUDIT PRESENTATION FOR FISCAL YEAR 2022. COUNCIL MEMBER COX SECONDED. A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

<u>COUNCIL MEMBER:</u>	<u>VOTE:</u>
COX	AYE
HILL	AYE
MARIGONI	AYE
NORTHROP	AYE
WILCOX	AYE

MOTION PASSED UNANIMOUSLY.

7. Action Items

a. Motion – Rocky Mountain Franchise Tax

Mayor Fowers explained what the Franchise Tax will entail and called it the “Energy Tax”. Gave us an example of the year 2022, Hooper City annual revenue of \$4,008,790.37 with the 6% tax equaling out to \$240,527.42 for Hooper City to collect. This includes no internal tax of administrative fees. Council Member Cox asked Mayor Fowers if we have property tax. Mayor Fowers confirmed, no.

Council Member Marigoni explained that with no property tax, we don’t generate as big as revenue and this could help Hooper City. Council Member Northrop asked if we had to start out at 6%, Mayor Fowers explained that the 6% is the highest we can go. Council Member Hill stressed his concern about starting out at 6% and where would the money that would be used. Mayor Fowers explained where the money could be used and be helpful toward the city. Council Member Northrop stressed her concern with the community needing to know where it will be used.

Cami Moss from Child Richards : CPA & Advisors took the chance to explain where money has been taken from and move things around in Fiscal Year 2022 to make ends meet. Tereasa Chugg, finance manager, explained how funds move to the following year.

PUBLIC COMMENT OPEN

Tracy Wallace located at 4718 W 5100 S talked about inflation and not thinking this would be a good time to do this and why start at 6%.

Kyle Blackburn located at 5925 S 4400 W agrees with Tracy Wallace and wanting to start with a smaller percentage. Asked to vote as a community.

Council Member Cox explained that the inflation is also hitting the city. Council Member Wilcox explained that we need to get revenue somewhere and this would be less painful.

COUNCIL MEMBER COX MOVED TO WRITE AN ORDINANCE TO IMPLEMENT A FRANCHISE TAX FROM ROCKY MOUNTAIN POWER AND THE ENERGY TAX WITH THE PERCENT TO BE DETERMINED AT THE TIME WHEN PASSING THE ORDINANCE. COUNCIL MEMBER MARIGONI SECONDED. A ROLL CALL VOTE WAS TAKEN AS FOLLOWS:

<u>COUNCIL MEMBER:</u>	<u>VOTE:</u>
COX	AYE
HILL	AYE
MARIGONI	AYE
NORTHROP	AYE
WILCOX	AYE

MOTION PASSED UNANIMOUSLY.

8. Public Comments on items not on the agenda.

Kyle Ashby located at 5916 S 4400 W discussed the farm property on 6000 S. Talked about the concerns and wanting to be put on the agenda for City Council meetings to get the attention it deserves.

Tracy Wallace located at 4718 W 5100 S asked about getting notifications and mentioned that she has not been notified. Asked how the city can be more involved.

Bruce Taylor located 4745 W 5100 S talked about a home next door to him, referring it to the 'party house'. Stressed his concern about the water well and the noise it is causing.

PUBLIC COMMENT CLOSED

Council Member Wilcox asked about the notifications and where to get signed up to get those notifications.

- i. Where to get signed up for notifications: You will want to go onto the state website (<https://www.utah.gov/pmn/>), scroll down to section *Browse for Notices* , Enter in the following-
 - a. Government Type: Municipality
 - b. Entity Type: Hooper
 - c. Public Body: Click on which one you would like to be notified on. Keep in mind that you will have to do this to each one you want to receive notifications on.
 - i. You will want to click on a date, it will then take you in to be able to *Subscribe to Public Body*.

Council Member Hill asked if there is a noise ordinance for Hooper water to be operating 24/7. Mayor Fowers explained that the permit is through the state. Council Member Cox explained that they should be done drilling by now and should have their equipment removed.

Council Member Hill explained that there is a Party Ordinance that we passed and can be enforced toward the 'party house' which is owned by Hooper Water. Bruce Taylor from the audience stated that the Sheriff's Department has been helpful and has stopped the noise when called out.

9. Adjournment

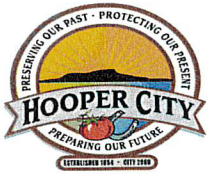
**AT APPROXIMATELY 8:32 PM COUNCIL MEMBER HILL
MOVED TO ADJOURN THE MEETING. COUNCIL MEMBER
COX SECONDED THE MOTION. VOTING AS FOLLOWS:**

<u>COUNCIL MEMBER:</u>	<u>VOTE:</u>
COX	AYE
HILL	AYE
MARIGONI	AYE
NORTHROP	AYE
WILCOX	AYE

MOTION PASSED UNANIMOUSLY.

Date Approved: _____

Morghan Yeoman, City Recorder



5580 W. 4600 S. Hooper UT 84315
(801)732-1064 Fax: (801)732-0598 hoopercity@hotmail.com

License No: _____

☒ New Business ☐ Renewal

Date Submitted: 3/21/23

BUSINESS LICENSE APPLICATION

Please clearly print or type. Incomplete applications will not be accepted. Application must be passed prior to opening your business. All Federal and State numbers and fees must be submitted at time of turning in application. All business licenses expire on December 31st.

SECTION I: Business Information

Business Name: Trease Storage llc

additional, dba Names: _____

Business Address: 5630w 5300s Hooper UT 84315 Business Phone: _____

Mailing Address: 5630w 5300s Hooper UT 84315 Secondary Phone: _____

Website: _____ Email: _____

Would you like to receive information and updates by email? Yes No

Please check one of the following

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Auto | <input type="checkbox"/> Development/Construction | <input type="checkbox"/> Landscaping | <input type="checkbox"/> Salon/Tanning |
| <input type="checkbox"/> Child Care | <input type="checkbox"/> Financial Services | <input type="checkbox"/> Manufacturing | <input type="checkbox"/> School/Preschool |
| <input type="checkbox"/> Computer/Consulting | <input type="checkbox"/> Florist/Nursery | <input type="checkbox"/> Photography | <input checked="" type="checkbox"/> Other <u>Storage</u> |
| <input type="checkbox"/> Contractor | <input type="checkbox"/> Gym/ Spa/ Nutrition | <input type="checkbox"/> Restaurant/Bakery | _____ |
| <input type="checkbox"/> Counseling/Consulting | <input type="checkbox"/> Handyman | <input type="checkbox"/> Retail | _____ |

SECTION II Federal and State Requirements

Federal and State numbers can be obtained by logging onto osbr.utah.gov (One Stop Business Registration). You may also visit www.utah.gov. The nearest State Tax Commission office can be reached at (800-662-4335) or 2540 Washington Blvd, Ogden.

State Sales Tax No: _____ Business Entity No: _____

Federal ID (EIN) No: _____ Employer Withholding No: _____

If Contractor (Handyman, Electrical, Plumbing or Mechanical No): _____ Expires: _____

State License Type (if any): _____ No: _____ Expires: _____

Federal License Type (if any): _____ No: _____ Expires: _____

State/County Permit Type (if any): _____ No: _____ Expires: _____

****PLEASE MAKE COPIES AND INCLUDE ALL REQUIRED LICENSES/PERMITS WITH APPLICATION****

SECTION III: Owner/Manager Information

Business Owner: Tyson Trease Home Address: 5630w 5300s

Phone: _____ Email Address: _____

List Employees: (for home businesses you are only allowed two)

parcel # 09-079-0076

space amount → 50

CONTINUED ON BACK__

SECTION IV Business Description

- ☒ Commercial Business Describe Business In Detail (Products, Vehicles, Storage, Equipment, Employees, Deliveries, Patrons, etc.)
☐ Home Business
☐ Daycare/Preschool

To provide a secure outdoor storage lot for trailers, camping trailers, boats, RVs, ect.

APPLICANT'S AGREEMENT

This form is an application for a business license. The actual license will be issued only when the business is in compliance with all local, state, federal, fire and building codes and all inspections are completed and signed off by the various City departments. Missing or incomplete information on this application may significantly increase approval time.

The above-mentioned information is truthful and correct to the best of my knowledge. I, the undersigned, hereby agree to conduct said business strictly in agreement with all Hooper City laws, code and state requirements for said business, and that no other type of business will be conducted other than what has been listed above. It is the responsibility of the licensee to renew the license, failure to receive notice does not excuse responsibility.

Business Owner Signature: Tyson Trease Date: 3/21/23

Business License Fee

☒ Commercial Business \$100.00

OFFICE USE ONLY

Date Approved: _____ License #: _____ City Council Date: _____

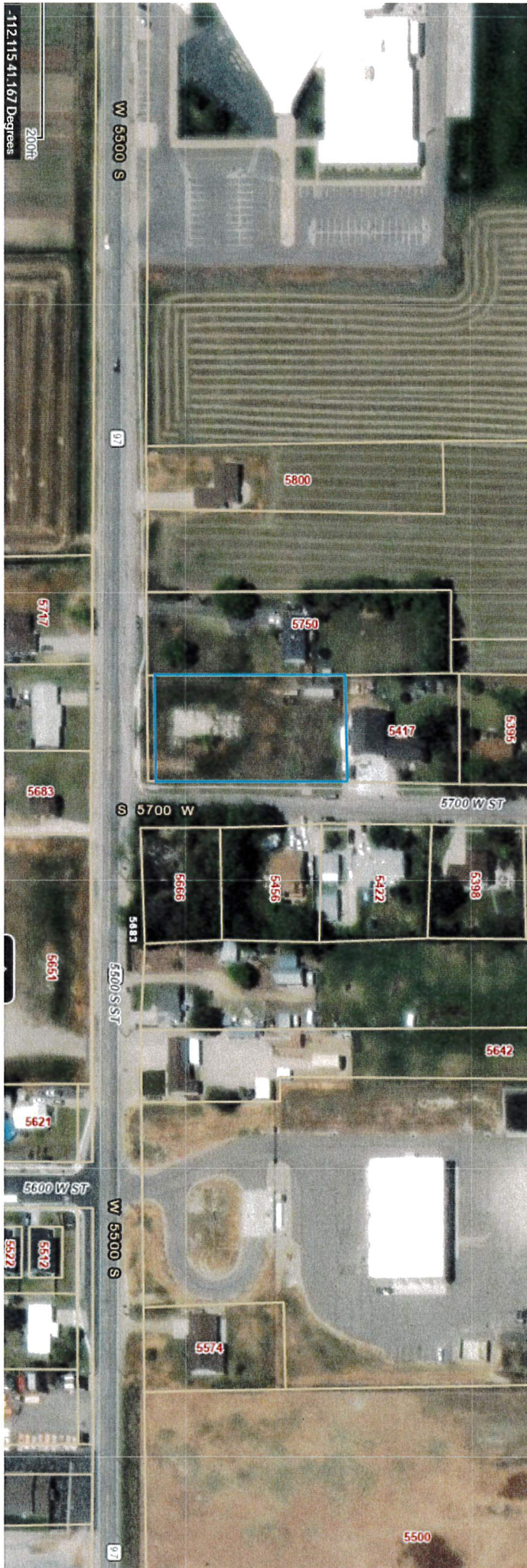
Amount Paid: _____ | Cash Credit Card Check# _____

- BUILDING DEPARTMENT -

Health/Fire/Safety Inspection required: // YES // NO If yes, date passed: _____

Meets Applicable Codes & Regulations: ☐ YES ☐ NO If yes, date passed: _____

Comments:



-112.115 41.167 Degrees

200ft

(Draft) ORDINANCE NO. _____
AN ORDINANCE RELATING TO MUNICIPAL ENERGY SALES AND USE TAX

WHEREAS, Hooper City desires to maintain a pleasant and desirable place for its citizens to reside; and,

WHEREAS, Hooper City has not imposed any property tax on its citizens; and,

WHEREAS, to provide necessary municipal services to its citizens, the City must have adequate revenue; and,

WHEREAS, Hooper City now desires to impose a Municipal Energy Sales and Use Tax to provide revenues for the City to continue operation and providing services to its citizens.

NOW, THEREFORE, be it ordained by the City Council of Hooper City, Utah:

TITLE III

CHAPTER 4

SECTION:

3-4-1: Purpose

3-4-2: Definitions

3-4-3: Municipal Energy Sales and Use Tax Levied

3-4-4: Effective Date

3-4-5: Exemptions from the Municipal Energy Sales and Use Tax

3-4-6: No Effect Upon Existing Franchises - Credit for Franchise Fees

3-4-7: Tax Collection Contract with State Tax Commission

3-4-8: Monthly Payments by Supplier and Deduction of Franchise Fees:

3-4-9: Incorporation of Title 59, Chapter 12, Part 1, Utah Code, Including Amendments

3-4-10: No Additional License To Collect The Municipal Energy Sales And Use Tax Required - No Additional License Or Reporting Requirements

3-4-1: Purpose

It is the intent of Hooper City to adopt the Municipal Energy Sales and Use Tax pursuant to, and in conformance with, Utah Code Title 10 Chapter 1 Part 3, (10-1-301 et. seq), the Municipal Energy Sales and Use Tax Act.

3-4-2: Definitions

The following terms, consistent with Utah Code 10-1-103, shall apply to this chapter as written unless context indicates or requires a different meaning:

CONSUMER: A person who acquires taxable energy for any use that is subject to the municipal energy sales and use tax.

CONTRACTUAL FRANCHISE FEE:

A. A fee:

1. Provided for in a franchise agreement; and
2. That is consideration for the franchise agreement; or

- B. 1. A fee similar to subsection A.1. of this definition; or
2. Any combination of subsections A.1. or A.2. of this definition.

DELIVERED VALUE:

A. The fair market value of the taxable energy delivered for sale or use in the municipality and includes:

1. The value of the energy itself; and
2. Any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality.

B. "Delivered value" does not include the amount of a tax paid under Title 59, Chapter 12, Part 1, Tax Collection, Part 2, Local Sales and Use Tax Act, Utah Code, or this chapter.

DE MINIMIS AMOUNT: An amount of taxable energy that does not exceed the greater of:

- A. Five percent (5%) of the energy supplier's estimated total Utah gross receipts from sales of property or services; or
- B. Ten thousand dollars (\$10,000).

ENERGY SUPPLIER or SUPPLIER: A person supplying taxable energy, except for persons supplying a de minimis amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

FRANCHISE AGREEMENT: A franchise or an ordinance, contract, or agreement granting a franchise.

FRANCHISE TAX:

- A. A franchise tax;
- B. A tax similar to a franchise tax; or
- C. Any combination of subsection A. or B. of this definition.

PERSON, SALE, STORAGE AND USE: The same as defined in Section 59-12-102, Utah Code.

RENEWABLE ENERGY SOURCE: The same as defined in Section 54-17-502, Utah Code.

TAXABLE ENERGY: Gas and electricity.

3-4-3: MUNICIPAL ENERGY SALES AND USE TAX LEVIED

There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within the city equaling ~~six~~ percent () of the delivered value of the taxable energy to the consumer. This tax shall be known as the municipal energy sales and use tax.

3-4-4: EFFECTIVE DATE

The municipal energy sales and use tax shall become effective on and after .

- A. The tax shall be calculated on the delivered value of the taxable energy to the consumer.
- B. The tax shall be in addition to any sales or use tax on taxable energy imposed by the city authorized by Title 59, Chapter 12, Utah Code, Sales and Use Tax Act.

3-4-5: EXEMPTIONS FROM THE MUNICIPAL ENERGY SALES AND USE TAX

- A. No exemptions are granted from the municipal energy sales and use tax except as expressly provided in Section 10-1-305(2)(b), Utah Code, notwithstanding an exemption granted by Section 59-1-104, Utah Code.
- B. The following are exempt from the municipal energy sales and use tax, pursuant to Section 10-1-305(2)(b), Utah Code:
 - 1. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13, Utah Code;
 - 2. Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution, or the Utah Constitution;

3. Sales and use of taxable energy purchased or stored for resale;
 4. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13, Utah Code Motor and Special Fuel Tax Act;
 5. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchased for use in the state by a nonresident living or working in the state at the time of purchase;
 6. The sale or use of taxable energy for any purpose other than as a fuel or energy; and
 7. The sale of taxable energy for use outside the boundaries of the city.
- C. The sale, storage, use, or other consumption of taxable energy is exempt from the municipal energy sales and use tax levied by this chapter, provided:
1. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax under an ordinance enacted in accordance with UCA 10-1-301 et seq, by another municipality within the state authorized by Title 59, Chapter 12, Part 3, Utah Code; and
 2. The city is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this chapter, if the tax due under this chapter exceeds the tax paid to the other municipality.

3-4-6: NO EFFECT UPON EXISTING FRANCHISES - CREDIT FOR FRANCHISE FEES

This chapter shall not alter any existing franchise agreements between the city and energy suppliers.

3-4-7: TAX COLLECTION CONTRACT WITH STATE TAX COMMISSION

On or before the effective date of this chapter, the city shall contract with the Utah State Tax Commission to perform all functions incident to the administration and collection of the municipal energy sales and use tax, in accordance with this chapter, except for functions relating to taxes collected by the city as the energy supplier as provided in Section 10-1-307(3), Utah Code, as amended. The mayor, with the approval of the city council and the city attorney, is hereby authorized to enter into agreements with the State Tax Commission that may be necessary to the continued administration and operation of the municipal energy sales and use tax ordinance enacted by this chapter.

3-4-8: MONTHLY PAYMENTS BY SUPPLIER AND DEDUCTION OF FRANCHISE FEES

- A. An energy supplier shall pay the municipal energy sales and use tax revenues collected from consumers directly to the city monthly if:
1. The city is the energy supplier; or
 2.
 - a. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals one million dollars (\$1,000,000.00) or more; and
 - b. The energy supplier collects the municipal energy sales and use tax.
- B. An energy supplier paying the municipal energy sales and use tax directly to the city may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by Utah Code Section 10-1-307(4).

3-4-9: INCORPORATION OF TITLE 59, CHAPTER 12, PART 1, UTAH CODE ANNOTATED 1953, INCLUDING AMENDMENTS

- A. Except as herein provided, and except insofar as they are inconsistent with the provisions of the Municipal Energy Sales and Use Tax Act, as well as this chapter, all of the provisions of Title 59, Chapter 12, Part 1, Utah Code, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales and use taxes, excepting Sections 59-12-101 and 59-12-1119, Utah Code Annotated 1953, and excepting the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.
- B. Wherever, and to the extent that in Title 59, Chapter 12, Part 1, and Title 10, Part 3, Utah Code, the state of Utah is named or referred to as the "taxing agency," the name of the city shall be substituted, insofar as is necessary for the purposes of that part. Nothing in this subsection shall be deemed to require substitution of the name "Hooper City" for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of Hooper City be substituted for that of the state in any section when the result of such a substitution would require action to be taken by or against Hooper City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.
- C. Any amendments to the provisions of Title 59, Chapter 12, Part 1, Tax Collection, Utah Code, that relate to levying or collecting a municipal energy sales and use tax and that would be applicable to Hooper City for the purposes of carrying out this chapter are hereby adopted and incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute.

3-4-10: NO ADDITIONAL LICENSE TO COLLECT THE MUNICIPAL ENERGY SALES AND USE TAX REQUIRED - NO ADDITIONAL LICENSE OR REPORTING REQUIREMENTS

No additional license to collect or report the municipal energy sales and use tax levied by this chapter is required, provided the energy supplier collecting the tax has a license issued under Section 59-12-106, Utah Code.

This Ordinance shall become effective upon publication as required by law, ninety (90) days after final passage.

PASSED this __ day of _____, 202_.

Dale R. Fowers, Mayor

ATTEST:

City Recorder

Voting:

Council Member Cox —
Council Member Hill —
Council Member Northrop —
Council Member Wilcox —
Council Member Marigonie —