

Sunset City Corporation
City Council Minutes
February 5, 2013
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Minutes of a work meeting held February 5, 2013 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

Mayor and Council Present:

Chad Bangerter	Mayor
Brent Andrews	Council Member
Ricky Carlson	Council Member
Ryan Furniss	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Linda Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Norm Noyes	Public Works Director

Excused:

Susan R. Hale	Recorder
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Others Present:

Matthew Godfrey	Better Cities
Dean Graham	Better Cities
Adam Hughes	Better Cities

WORK SESSION

The meeting was called to order at 5:30 p.m. by Mayor Bangerter.

- 1. Presentation by Better Cities on the Better Landlord Program study:** Matthew Godfrey presented the disproportionate impact study and a draft ordinance on the program. A packet was handed out to the Council. Adam Hughes explained the study and ordinances. He said the municipal services study involved analyzing police, fire and utility services in fiscal year 2011 to determine if rental properties are using an unequal share of municipal services when compared to owner occupied properties. It was determined the blended disproportionate fee would be \$192.68 per unit. In the cost comparison with other cities, Sunset is pretty much in line with Clearfield and Midvale. It is permitted by State law to discount the disproportionate fees for the landlords who participate in a good landlord program. It was suggested \$25.00 per unit be charged for participating landlords and \$192.00 per unit for non-participating landlords.

There are two draft ordinances; one is a Rental Dwelling License Ordinance and one is a Better Landlord Ordinance. In preparing the draft ordinances, they listened to the goals and objectives feedback from the City Council and staff and also researched the best practices from the ordinances of the 12 other cities who have adopted good landlord ordinances. In addition, a State law was passed during the 2012 General Session called HB216, in which there are some requirements for the good landlord program, and they made sure the draft

ordinances comply. Some items included in the ordinances are tenant screening & background checks, evictions for criminal activity, fit premises requirements, landscaping and code enforcement. Items that were excluded from the ordinances are class B misdemeanor for non-compliance with the good landlord program and provisions that are not compliant with HB216. The next step to move forward with this is for the Council to go through the drafts with the City Attorney to make sure what is in there is wanted and the items not wanted are taken out. In the packets, they also included templates for a rental dwelling license, property ownership form, apartment property information form, self inspection form, rental dwelling management agreement, lease addendum for crime-free/drug-free housing and a landlord worksheet.

Dean Graham explained the landlords will need to go through a training curriculum to be a part of the good landlord program. The curriculum is split into six modules. 1) an overview of the good landlord program; 2) the Utah Fair Housing Act, local laws and exemptions; 3) the Utah Fit Premises Act, crime victims rights and renters remedies; 4) tenant screening, application process, how to conduct proper background checks, rental agreements and what to do before and the day the tenant moves in; 5) the Utah eviction law, the eviction process with a lawyer and without, premises abandonment and what to do with abandoned items; and 6) specific items for Sunset City such as codes, licensing fees, how often they have to go through the training program and any Sunset specific classes required.

Council Member Furniss asked what warrants criminal activity the tenants may be evicted for. Mr. Graham replied some of the other cities limit it to sexual, violent or property crimes. Council Member Furniss asked since the Class B misdemeanor section was taken out and they don't have a means to make landlords comply, what the incentive is for participating in the good landlord program. Mr. Graham said if they don't comply, they have to pay the disproportionate fee of \$192 per unit instead of the \$25 per unit. Council Member Furniss asked what the classes cost and how often they will be required. Mr. Graham answered generally the classes are required every other year, but it is up to the Council. The cost of the class ranges from \$40 to \$80.

Mayor Bangerter said it seems as the owners of homes age and pass away, their homes are becoming rentals. This program may also help to weed out some potential landlords and encourage owner occupied homes. He believes this is a great program.

2. **Presentation by Econo Waste on a recycling program:** Val Sanders passed out a packet on recycling. He explained curbside recycling. His company will haul green waste and/or curbside recycling, whichever the Council decides. The curbside recycling program consists of on blue automated barrel, is picked up bi-weekly and taken to a recycling facility. Econo Waste will purchase, deliver and maintain all blue recycling containers. The City can require the whole City to participate or they give an 'opt-out' choice. If the City goes with the opt-out choice he recommended limiting the time frame for opting out and only allowing a few exceptions. He would need at least 30% participation and a five year agreement to make it feasible for him because he would be purchasing and maintaining the containers. Other cities have extended the solid waste contract they already have with Econo Waste and added recycling so it is simple to do. Once the City has decided to go with the Program it will take

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4 to 6 weeks to get the containers delivered to the participants. He recommends attaching a flyer to each container when they are delivered explaining the program and including a calendar showing the residents which days the cans will be dumped. Included in the packets he handed out were a sample opt-out form, sample letter to send out, a list of recyclables and non-recyclables and a summary explaining the cost of curbside recycling and green waste. The cost to the City for green waste recycling is \$2.00 to Wasatch Integrated and \$3.65 to Econo Waste, totaling \$5.65 per month per customer. The curbside recycling would be \$3.65 per month per customer to Econo Waste. As to the contract, there is about a year and a half left with Econo Waste for garbage hauling. The contract would need to be modified to include recycling and be extended from three to five years. The contract would be done close to the time the cans are delivered.

It was explained if a person presently has two garbage cans, they may turn one back into the City for the green waste can and other recycling can. By the time the recyclables and green waste are put into their respective cans the single garbage can should be enough for regular garbage. During the winter months, the green waste container may also be used as a second garbage can. Everything would be picked up on the same day as the normal garbage, but the truck would come by and pick up the garbage can, dump it, come back for the green waste, dump it and every two weeks come back for the recycling.

Council Member Furniss made a motion to adjourn the work session. Council Member Andrews seconded the motion. The motion passed unanimously.

The work session adjourned at 6:17 p.m.

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Minutes of a regular meeting held February 5, 2013 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

Mayor and Council Present:

Chad Bangerter	Mayor
Brent Andrews	Council Member
Ricky Carlson	Council Member
Ryan Furniss	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Linda Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Norm Noyes	Public Works Director
Jerald Jensen	Judge
Judy Hampton	Police Secretary
Bob Higdon	Police Officer
Fire Fighters: Travis Carter, Amy Tomczak, Adam Scott, Josh Draheim	

Excused:

Susan R. Hale	Recorder
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Others Present:

Terry Avondet	Citizen Corps
Trystal Peay	Larry Hampton
Spring Carter	

REGULAR SESSION

The meeting was called to order at 6:30 p.m. by Mayor Bangerter.

Council Member Andrews gave the invocation and led the Pledge of Allegiance.

Approval of Minutes: Council Member Andrews made a motion to approve the minutes of January 15, 2013 as presented. Council Member Furniss seconded the motion. The motion passed unanimously.

Public Comments: There were none.

- 3. Recognize employees for reaching a milestone in years of employment with Sunset City:** Mayor Bangerter explained the Council recently approved a policy to recognize Sunset employees after 5, 10, 15, 20, 25 and 30 years of employment. Today they will be recognizing employees who reached one of those mile stones during 2012. From now on, the Council will recognize the rest of the employees in the month they attain their milestones. The employees recognized tonight are: Fire Fighter Travis Carter with 10 years as of

February 2012, Judge Jerald Jensen with 10 years as of March 2012, Police Officer Bob Higdon with 15 years as of July 2012, Police Secretary Judy Hampton with 20 years as of October 2012 and Police Chief Ken Eborn with 25 years as of March 2012.

4. **Discussion and possible approval of a recycling program:** Mayor Bangerter said they have been discussing this for some time. An amended contract will still need to be drafted and approved at a later meeting.

Council Member Furniss advised in talking with residents he has found most are in favor of household recycling, but they want it to be economical. They are not in favor of green waste recycling. He received a question earlier if residents renting apartments would be included, so he asked Val Sanders, owner of Econo Waste, to answer that. Mr. Sanders said they would not have any green waste, but if the apartment owners want their renters to recycle he will provide the service there as well. Most of the apartments have garbage bins, so the containers would need to be taken to the curb for pick up. Mayor Bangerter said when the garbage collector picks up the garbage; it is delivered to Wasatch Integrated to be disposed of. The importance of green waste recycling is that when grass is included with the garbage to be burned in the incinerator, it does not burn and hinders the efficiency of the incinerator. Therefore, if grass is put in a different container and delivered to their green waste facility for recycling it lengthens the life of the incinerator and the landfill. Council Member Snow found the same feedback as Council Member Furniss when talking to the residents. There will be three cans lined up in the streets on garbage day and he wondered if there would be a problem with so many cans in the street. He also wondered about the reduced cost of the recycling can versus the second garbage can and what that will mean to the City in lost revenue. He does not believe most residents will want to pay the \$6.00 extra just to recycle their grass clippings. Mayor Bangerter explained the cost for green waste recycling will be \$5.65 per month plus \$3.65 for the regular recycling. The total would be just under \$10.00 and if a resident has a second can at a cost of \$8.00 per can, they can turn that can in and it would only be about \$2.00 more for full recycling. With the "you choose" program, the residents would have the opportunity to opt out of the program so they are not being forced to recycle. The word the Council has been hearing is people would like to participate if the cost is kept under \$10.00. They have done that so he encouraged the Council to approve this program.

Council Member Furniss said he is not in favor of the green waste recycling, but he is in favor of the regular recycling. Council Member Snow realizes how grass affects the burn plant, but Sunset's garbage gets delivered on the day the burn plant does not accept waste and it is dumped at the landfill. Mayor Bangerter clarified if the grass was in a green waste can it would be delivered to the recycling/mulching area. He believes they would be foolish not to try the whole program and if the green waste does not work, they can end it. However, after it has been implemented in other cities it has been successful and he has not heard of any city stopping the program. The residents can opt out of just the green waste if they choose to do so and that gives the residents the opportunity to choose for themselves instead of the Council choosing for them. Council Member Peterson believes it is a good idea to give the program a chance, but does not believe the green waste recycling will do well. Mr. Sanders suggested, if they choose to go forward with recycling, that they implement one

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program at a time to eliminate confusion. West Point began one program first, then six months later started the other type and it worked out well.

Council Member Peterson made a motion to move forward with the recycling program. Council Member Snow asked if the motion included both types of recycling. Council Member Peterson replied yes. Council Member Snow believes once they are in both programs they will be stuck because Mr. Sanders will have purchased the cans. Mayor Bangerter explained they are separate. Econo Waste will purchase the blue cans for regular recycling and Wasatch Integrated will purchase the green cans. If the City doesn't have enough participation in green waste, the cans will go back to Wasatch Integrated. There is no contract at this time, they are just voting to move forward or not. He called for a second to the motion. Council Member Snow amended the motion to try the recycling first; then later decide if they want to do the green waste recycling. Mayor Bangerter stated there were two motions on the table. Council Member Carlson seconded Council Member Peterson's motion. Council Member Furniss believed only the amended motion could be seconded and seconded Council Member Snow's motion. He believes Mr. Sanders made a good point in separating the two. It would be hard to implement green waste recycling in the winter and he would rather implement that in the summer when green waste is produced. Right now he is only comfortable with starting the curbside recycling. Council Member Peterson said when he made his motion, he meant they could work on both programs, but implement them at different times. Mayor Bangerter clarified it will take 4-6 weeks to get the cans and by the time they get the contracts worked out they're looking at a couple months before implementing anything. The council has said they know curbside recycling will work; the question is if there will be enough community support for green waste and believes this is the time to give it a try. They are not locked down to anything at this time. He stated there was a motion, then an amended motion on the table and a second. He asked if there were any adjustments and called for a vote. Council Member Snow said the motion should be restated for clarification. Mayor Bangerter said the motion is to move forward with just the curbside recycling, which is the blue can. Council Member Andrews said he needs more time to see how the citizens feel about it. Mayor Bangerter said they have the opportunity to see how the residents feel about it through the opt-out program, but the Council is not giving them the chance to do it. Again he said there is a motion with a second on the table for the curbside recycling only and called for a vote. There were two yes votes and no votes from the other three Council Members so the motion failed because the non-votes are essentially no votes. Mayor Bangerter asked if there were any other motions on this issue. Council Member Snow said they would now go back to first motion. Mayor Bangerter said the first motion was to approve a recycle program, to move forward with it and they could adjust it from that point. He called for a second. Council Member Carlson seconded the motion. The motion passed with a 3 to 2 vote. Council Member Furniss and Council Member Snow voted no.

Mayor Bangerter said it looks to him like the blue can recycling is probably a go so they begin putting the contract together on that and notify Wasatch Integrated to start putting stuff together on green waste recycling as well. The Council will vote on those as they are ironed out.

5. Discussion and possible approval to continue with the Better Landlord Program:

Mayor Bangerter remembered discussing a good landlord program when he was on the Council 7 or 8 years ago. The thing that prevented them from going with it back then was the cost. A company has now come before them with a way to implement the program and he encouraged the Council to move forward on this.

Council Member Snow made a motion to continue with the Better Landlord Program. Council Member Furniss seconded the motion. The motion passed unanimously.

6. Discussion and possible approval of Council assignments: Mayor Bangerter stated these assignments were discussed a little while ago and some adjustments were made. He read the assignments as follows: Administration - Mayor Bangerter, Beautification - Council Member Snow, Court - Council Member Andrews, Development Review Committee - Council Member Carlson, Donations - Council Member Furniss, Economic Development - Council Member Snow, Emergency Preparedness - Council Member Snow, Fire - Council Member Snow, Housing - Council Member Andrews, MIDA Board Representative - Council Member Carlson, Military Affairs Committee - Council Member Carlson, Mosquito Abatement - Council Member Carlson, North Davis Sewer Board - Council Member Furniss, Planning Commission Liaison - Council Member Peterson, Police - Mayor Bangerter, Property Management - Council Member Furniss, Public Works - Council Member Peterson, Recreation - Mayor Bangerter, Senior Program - Council Member Andrews, Wasatch Integrated Systems Board - Mayor Bangerter and Youth City Council - Council Member Furniss.

Council Member Furniss made a motion to approve the Mayor's appointments. Council Member Andrews seconded the motion. The motion passed 4 to 1 with Council Member Carlson voting no.

Council Member Furniss said his daughter has been recruiting her friends from Clinton City to join the Youth City Council. He understands if they could not hold the Mayor or other positions, but wondered what the Council thought about allowing Clinton youths to become members of the Sunset Youth City Council. They are struggling for members and if those kids will come up from Clinton he is okay with it. Mayor Bangerter replied firstly Clinton City has its own Youth City Council so he would encourage youth to participate in their community. Secondly, the Youth City Council Organization allows the youth to devise their own guidelines and run them by the City Council. He does not see any problems with having Clinton youth join Sunset's youth, keeping in mind Clinton has a Youth City Council and how Sunset would feel if Clinton was taking kids from our Youth City Council. Council Member Andrews sees no problem with it.

7. Discussion and possible approval of a Mutual Aid Agreement for Utah Water and Wastewater Agencies:

Public Works Director Noyes explained this agreement is with the Utah Water/Wastewater Agency Response Network (UT-WARN). It would make Sunset eligible to receive aid from other members of this group in case of emergency and provides that Sunset would give aid where needed to members of this group. It also provides for reimbursement from the entity that needed aid. Mayor Bangerter advised this agreement has

been reviewed by City Attorney King and he could see no legal reason why Sunset City should not join.

Council Member Furniss made a motion to authorize Mayor Bangerter to sign this agreement. Council Member Peterson seconded the motion. The motion passed unanimously.

- 8. Discussion and possible approval of the 2013 Interlocal Cooperation Agreement between Davis County and Sunset for Animal Control Services:** Mayor Bangerter explained Davis County has provided Sunset with animal control services for quite a few years and they have been happy with the service. Council Member Carlson noted the fee has gone down this time by almost \$800.00.

Council Member Carlson made a motion to approve the Interlocal Cooperation Agreement between Davis County and Sunset City for animal control services. Council Member Andrews disclosed he volunteers at the animal services and does not know if that is a conflict of interest. Mayor Bangerter stated he has disclosed it and may vote on it. Council Member Furniss seconded the motion. The motion passed unanimously.

- 9. Discussion and possible commitment of \$150,000 in FY2014 for CDBG matching funds:** Public Works Director Noyes reported the kick off meeting for the CDBG grant process on January 28th. He was surprised they only gave them two weeks to complete the process. The City does not have to provide matching funds for this grant, but the maximum that can be applied for is \$150,000 and consecutive year projects are no longer allowed. In the past they have used CDBG grants to fund 4" waterline replacement, improve curb, gutter and sidewalks in various areas and handicap ramps. It has been about 8 or 9 years since they have done any infrastructure projects. His proposal is to apply for \$150,000 to replace the waterline, repair the curb, gutters and sidewalks and resurface the road from 1300 North to 1550 North on 300 West. The total cost of the project would be \$282,000, which would require the City to match the \$150,000 if they were to get the grant with an additional \$132,000 or up to \$150,000 by the time any hidden costs and overruns are added in. When a grant is matched upon application the odds are increased for receiving the grant. Realistically, the project would not be completed until the end of 2014 which would allow them to put money away during two budget cycles. The application for the grant has to be in by February 15th so he is asking if the Council would commit \$150,000 to be set aside during the budget meetings for the CDBG project. Fire Code now requires the water line to be 8" and Sunset is way short of the capacity required if there was a fire in that area. A 4" waterline does not produce enough water to supply the pumper trucks. If a fire truck was hooked to one of those fire hydrants and started to suck water out, it could collapse the water line if the truck pumps faster than the water flows which could create a vacuum and collapse the pipe. Both 300 West and 350 West between 1300 North and 1800 North have 4" water lines and they are the last the City has. Over the past 20 years the rest have been replaced. There is no guarantee Sunset will get the grant; all he is asking is that he can put in the grant application that the City has committed the additional funds to complete the project. There is some money in the Utility Fund to draw from, even though they need to continue to build the retained earnings for emergencies.

Mayor Bangerter has been encouraging Director Noyes to note capital projects the City is in need of. He supports Director Noyes in his effort to upgrade the lines so the City can handle an emergency situation. Council Member Peterson has talked to Director Noyes about videoing the sewer lines and it is scheduled to be done Monday. That will tell them if the sewer line also needs replacing and that could run an additional \$80,000. They may only need to repair a few sections.

Council Member Furniss made a motion to commit \$150,000 for the CDBG matching funds. Council Member Andrews seconded the motion. The motion passed unanimously.

- 10. Discuss the Sunset City Public Works Capital Facilities Plan:** Public Works Director Noyes presented the Public Works Capital Facility Projects 5 year plan which includes the estimated costs. There is \$10,000 in the FY13 budget to repair the restrooms at North Park, but he put the restroom and bowery first on the list in case they would rather tear it down and build new at a cost to the City of \$147,000. The second item is the Sunset Room stairs/bridge repair at the City Building which would cost about \$15,000. The list continued with the South Park bowery & restroom for \$147,000 in 2014/15, the 350 West CDBG improvements for \$87,500 in FY14, and \$87,500 in FY15, the 300 West CDBG improvements for \$132,000 in FY14, the Public Works Shop 1800 North UDOT project saving \$125,000 each year in FY15 through FY18, The City Office stairs/bridge reconstruction at \$50,000 in FY18, the 800 North UDOT/STP project saving \$30,000 each year from FY14 through FY18, the 2300 North UDOT/STP project saving \$60,000 each of those years, City wide street repairs costing \$100,000 each of those years and the UDOT/1800 North roadway and bridge project saving \$60,000 each of those years. The total cost of these projects to the City is estimated at \$2,416,000 over the next five years.

This was presented to the Council so they would have an estimate of funds the Public Works Department will require in the next five years to keep the City infrastructure up.

- 11. Council Member reports and general information:** Council Member Andrews thanked everyone for attending the Council meeting and stated his appreciation for the City and its employees. He is glad they have been able to see a plan of what will be needed in the coming years. He does not know if he will run for Council again this year, but appreciates the opportunity to serve the City.

Council Member Furniss advised the City will be renewing the contract with the North Davis Sewer District and reported the construction has begun at the plant. He appreciated the new Council Assignments and is excited for the opportunity to help the Youth City Council Members learn about City Government. He will get with Council Member Snow on where the flags are, etc after the meeting.

Council Member Peterson thanked the employees for all they do.

Council Member Snow said he enjoyed the Sunset Sam Winter Festival. He believes they should ramp it up by more Council participation and advertising on social media. He also suggested advertising on the utility bill that Sunset has a Facebook page. He thanked the

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Mayor for the assignments. He asked Council Member Furniss if his wife will become the Youth Council Advisor because Council Member Snow's wife will be having a baby in five weeks and will not have the time to continue it.

Council Member Carlson thanked the residents and City staff for attending the Sunset Sam Winter Fest. He was asked to be one of the chili judges and it turned out to be more complicated than he thought it would be, but he had fun. He also thanked everyone for attending the Council meeting.

Police Chief Eborn thanked the Council for recognizing those who hit their milestones in 2012. He realizes they had to begin somewhere, but he still recognized that there are other employees who have hit milestones in the past few years. He reported they have spent the grant they received by updating the computers in their vehicles.

Public Works Director Noyes thanked the Mayor, Council and Department Heads who supported the Sunset Sam Winter Festival. He advised the snow removal budget is shot and the road salt budget is gone, with enough salt still to cover about two more major storms this year should they occur. The Public Works employees started plowing on Sunday and plowed straight through until Wednesday. In addition to that they've had four water main breaks since the first of the year, so he asked the Council again to let the Public Works employees know they're appreciated.

Fire Chief Coker said their next big event is the Easter Egg Hunt. They will be starting the yellow dot program around that time as well. A CERT class will begin on February 16th.

Treasurer/Office Manager Youngdell reported they are still working on some businesses that have not renewed their licenses. In March they will be asking the Police Department for their help on it. They are pursuing a safety grant through Utah Local Governments Trust and she will keep the Council informed of their progress. She asked the Council to remember that Sunset City Administration bills for, collects the fees and remits them to Econo Waste and Wasatch Integrated and the cost of doing that is not included in the fees given to them tonight. The \$9.30 only goes to Econo Waste and Wasatch Integrated.

Mayor Bangerter reported Col. Zaubel has been replaced by Col. Karen Colby at Hill AFB. She has been there for quite a while before being promoted. He thanked the Council for approving the policy for recognizing the City employees' milestones and hopes the future Councils continues it. He thanked the Public Works for their snow removal efforts and it is interesting how aggravated people become when snow is put on their sidewalk, driveway, lawn, etc. They don't realize if the roads are not cleared it does them no good to get out of their driveways and the snow has to go somewhere. He is ecstatic with the Sunset Sam Winter Festival. He has been involved with it for the past several years. Council Member Andrews' family began it in recognition of their son who passed away and has passed it on to the City to take care of. It began with about 50 people attending and now it reaches around 150 attendees. There were two newspapers and two television channels there reporting on it this year. An early spring was predicted this year. It is wonderful to see how excited the kids get and he thanked everyone who participated in making the Festival happen. Council

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Member Andrews asked everyone to remember Sunset Sam has only been around for 19 years and Punxsutawney Phil has been around for 100 plus years.

Council Member Furniss made a motion to adjourn. Council Member Andrews seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:55 p.m.

Approved – February 19, 2013.

Chad Bangerter, Mayor

Susan R. Hale, Recorder