

**Sunset City Corporation
City Council Minutes
March 4, 2014
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Minutes of a regular meeting held March 4, 2014 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

REGULAR SESSION

Mayor and Council Present:

| | |
|--------------------|----------------|
| Beverly Macfarlane | Mayor |
| Ryan Furniss | Council Member |
| Chris Hadley | Council Member |
| Trystal Peay | Council Member |
| Jake Peterson | Council Member |
| Kevin Snow | Council Member |

City Employees Present:

| | |
|---------------|-----------------------|
| Susan R. Hale | Recorder |
| Ken Eborn | Police Chief |
| Norm Noyes | Public Works Director |
| Travis Carter | Asst. Fire Chief |

Excused:

| | |
|--------------------|--------------------------|
| Linda J. Youngdell | Treasurer/Office Manager |
| Breen Lowman | Fire Chief |

Others Present:

| | |
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| Jennilyn Williams | Standard Examiner |
| Wanema Butcher | Ellen Cutler |
| Neil Coker | Tara Cain |
| Jake Martin | Shirley Griffiths |
| Joyce King | Sara Winterton |
| Jay Flitton | |

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

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

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of February 18, 2014 as presented. Council Member Snow seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Snow made a motion to approve the vouchers for North Davis Fire District and Zions Bank totaling \$103,018.59. Council Member Peay seconded the motion. The motion passed unanimously.

Public Comments: Sarah Winterton, a 6th grader at Sunset Elementary School, stated they would like to hold a 5K Fun Run on May 17th from 9:00 a.m. to 11:00 a.m. to raise money for the Malala Fund. She asked if they could run the same course used for the Sunset Jr. High and

Sunset Fun Days Fun Runs and if they could have the Police provide traffic control for them. The Malala Fund is to raise money for equal education around the world. More information can be found at www.malalafund.org.

1. **Consideration of Ordinance 2014-01 amending Sunset City Code Section 3-1-12: Exemptions to the Business License Fee:** Council Member Snow explained Section 3-1-12 contains an exception to the business license fee for an owner of a building containing two or fewer rental dwellings. This conflicts with the Rental Dwelling License Ordinance, which states an owner of any rental dwellings must obtain a business license. This ordinance deletes the exception.

Council Member Snow made a motion to approve Ordinance 2014-01. Council Member Hadley seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Hadley – yes, Council Member Snow – yes, Council Member Peterson – yes and Council Member Furniss – yes.

2. **Discuss the weed and junk ordinance violation process and possible changes:** Council Member Snow said it seems like it takes forever for someone who is cited for the weed and junk ordinance to go through the process and get it cleaned up. He would like to speed the process up so it would get taken care of before winter. He likes the Roy City Ordinance. He asked Police Chief Eborn to explain Sunset City's process for this type of violation.

Chief Eborn explained the ordinance used to require the Police to give a violator one warning per growing season. Some people are repeat offenders every summer so the Council voted to take the warning out and make it optional for the Officer to give a warning or a citation. All the Police Officers on day shift are each responsible for a section of town. When Chief Eborn saw this item on the agenda, he spoke with the Ordinance Enforcement Officer in Roy. They compared the two processes, it was clear Sunset's was better with the warning requirement taken out. Roy's process requires three warnings before being able to issue a court citation. Each warning gives 14 days in which to comply. If the first warning is not complied with, they are assessed a \$100 civil fee, the second a \$200.00 civil fee and the third a \$500.00 civil fee. Those fees never get paid because the City does not have a process to go after the fees. Chief Eborn said this issue is debated over and over, but it is a touchy situation because sometimes they have to go onto people's private property to tell them an unregistered, old vehicle is junk, when their dad or grandfather gave them that vehicle and they don't believe it is junk. He believes the Police Officers are pretty human and fair about only issuing the citation to the real problems and giving warnings to others. Some people drag their feet and some are even willing to pay the fines rather than clean up their place. Once cited, the people have a process through the court system to dispute the citation and they can drag it out for a long time before it being resolved. The only way he can see speeding the process up is to hire an ordinance enforcement officer, but that is not feasible with today's budget.

Council Member Snow said his whole goal is to get people to comply. He said the person he talked to in Roy told him only about 2 out of every 30 actually escalate to the 2nd or 3rd

warning. He just wondered if Sunset could do it similar to Roy, so a violator wouldn't have to see the Judge and go through that whole process unless they didn't clean it up. Chief Eborn said they used to issue fix-it tickets and give the violator 14 days to have it taken care of and the citation signed by an Officer. That did what Council Member Snow was suggesting. However, Judge Jensen told him State statute did not allow Officers to issue fix-it citations on City Ordinances, so they stopped doing it.

Council Member Furniss said obviously they cannot infringe upon a person's due process, but when Officers have to go back it is an added expense to the City and the Court time is an expense also, so he wondered if they could increase the fine. Chief Eborn believes Sunset's fine is \$250 and Roy's is \$325. Judge Jensen will ask if the person is in compliance. If they are not, he gives them two weeks to be in compliance or show they are working towards compliance. Typically, the Judge gives first time offenders about a \$75.00 fine, second about \$100 to \$150. He doesn't know how they set fines on City Ordinances and does not believe the Judge can help the City set the process for sending people to the Court he judges in.

Council Member Furniss said the Police Officers are doing a good job as seen in the monthly reports they receive. It is hard to get people to water their lawns, clean up their yards and take pride in their property be they renters or owners. Maybe the Officers just need to be reminded to keep up on it every so often. To which Chief Eborn replied they just had a meeting on it due to the weather becoming nicer.

Council Member Snow suggested looking at hiring an Ordinance Enforcement Officer during budget sessions to see if it is feasible and maybe raising the minimum fines. Chief Eborn said they would need to talk with the Attorney about that because he is not sure if they can or if City Ordinances are also mandated by State statute. Council Member Snow commended the Police Department; he would just like the process to be quicker. He hopes the Better Landlord Program will help. Chief Eborn said it has already helped in that they have sent out a few letters on junk and the issues were taken care of.

Mayor Macfarlane believes if the rentals are cleaned up more people may look at their yards and clean them up, too. Chief Eborn asked the Council and residents to call when they see yards that need cleaning up and not just assume the Police have seen the problem, especially rear yards because they can't be seen from the road a lot of times. Mayor Macfarlane said the neighborhood dumpster program should encourage people to clean their yards as well. It was explained there is only one dumpster for the City to share so it is delivered to each neighborhood where it was requested only once per summer. The program runs from March to October.

Different options to getting yards cleaned up were discussed. There is a huge liability to abating properties. Years ago, Ogden City hired a company to abate a property and their tractor hit the house, shifting it off the foundation slightly. Ogden City had to pay for that. Having a neighbors helping neighbors campaign seems to help when you can get people involved in it. The Youth City Council could possibly help by mowing and trimming bushes on vacant homes and maybe even earn some money from the City for their program. Mayor

Macfarlane would like to schedule a meeting with Council Member Snow and Judge Jensen to talk about the fines. Another suggestion was to hire off duty Officers to do ordinance enforcement maybe once a week. Maybe they could get a list of volunteers who could help those who are not capable or even have a designated time when the Council, City Employees and other volunteers can get out and help people clean up their yards to show the residents how important the ordinance is. Mayor Macfarlane asked Council Member Snow to spearhead this.

3. **Discuss changes to the Rental Dwelling License Ordinance:** Recorder Hale explained Mark Kubricky, who teaches the Better Landlord class for Sunset City, heard complaints from Property Management companies on the City's requirement that the managers supply their driver's license numbers, personal addresses, etc. They believe if anything happens, the manager should be contacted at the agency and the agency should be ultimately responsible for anything that happens. There have been a lot of elderly owners who do not want to give out their social security number because they've been told not to by the AARP. The ordinance requires out of state owners to provide a power of attorney for an in state manager. Sunset has a lot of military people who are deployed or stationed somewhere else for a year or two and plan to come back here to live. Some don't have anyone here to assign a power of attorney to. This also goes for some people who move out of state and cannot sell their house, so they rent it to keep it occupied. She asked if they should not be allowed to rent their house because they don't have a manager, therefore keeping the house vacant, or if the Council would rather change the ordinance. Mr. Kubricky also told her when this and the Better Landlord Ordinance was adopted, the draft ordinances Better City supplied were a compilation of several other cities' ordinances; not just the best practices, but a lot of each city's ordinance and the Council had the option to take out what they didn't believe to be necessary or amend it to better fit Sunset City. Not much was taken out or changed; therefore Sunset has the strictest ordinances regarding residential rental dwellings. She had given the Council a page with her suggested changes and it was decided they would look over the suggestions and a work meeting will be held at a later date on this issue and agenda item number 2.
4. **Council Member reports and general information:** Mayor Macfarlane asked for a consensus on the Sunset Elementary 5K Fun Run in having the Police Officers there to help. Chief Eborn said as the date is a Saturday, he was 99% sure they could make it happen, with the help of Clinton Officers and possibly a Davis County Deputy. When asked about how many participants there would be, Miss Winterton replied her teacher would like to get 500. Chief Eborn stated he would need to know that if by chance they are able to get that many participants because they would need additional help. Mayor Macfarlane asked Miss Winterton to make sure to let Chief Eborn know as soon as possible how many they actually anticipate participating.

Council Member Furniss said the Youth City Council met tonight and are excited to do service for the City and hopes in return the City could help their organization monetarily. The flag program is falling apart, so they are working to remedy that. Four Youth City Council Members will be attending the Utah State Youth Council Summit in Logan. Council

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Member Peay has agreed to escort them. The North Davis Sewer District is continuing its upgrades. It has had to close half of a round about in Syracuse City for a time to do so. They are refurbishing some of the pipes in the system. The line that goes under I-15 is almost at failure with dirt showing through the pipe so it is a top priority to be relined. He again explained there will be a \$3.00 per connection per month increase in the fees. Once the fee is increased, they will still be in line with the average of other jurisdictions. He asked the Police Chief, Asst. Fire Chief and Public Works Director to be thinking about allowing the Youth City Council Members to go on a ride-along with their Departments. There will be a transportation meeting at the Clearfield City Building on March 17th at 9:00 a.m. and he has a work conflict at that time so he asked if there is anyone who can attend in his place. Mayor Macfarlane said if no one else could, she would attend. Council Member Furniss stated he would give any of the Council who wanted to a tour of the sewer plant so they can see what the fee increase is needed for.

Council Member Peterson advised, when asking the Public Works Department to do things, to remember that their first responsibility is maintenance of the City. He asked if any of the Council Members had any ideas or questions for the Planning Commission since the last meeting they all attended. There were none. He thanked all the employees and citizens for attending the Council meeting. Mayor Macfarlane reminded the Council they are to get with Public Works Director Noyes to see what is going on in the City by March 20th.

Council Member Snow advised donation request letters are taking a longer than anticipated, but will be going out soon. He is working on placing information on the website for the Better Landlord Program. He has been driving around at night and some of the neighborhoods are pretty dark. He will be meeting with Public Works Director Noyes on the issue. He likes how Clinton City has begun integrating the new lighting in with the old lighting. He had nothing to report on housing and the Mosquito Abatement Board and DRC have not met since the last meeting. He has been watching House or Senate Bill 262 that will affect the Council on votes. Anything approved has to be passed with a majority of the Council seats, not just the majority of the Council Members in attendance. So if only three Council Members are present at a meeting the item would have to be approved by all three Council Members to pass.

Council Member Hadley reported the Fire Department has taken possession of the second ambulance; it is being outfitted now and will be in service soon. Currently the door of Bay 2 is too low to house the second ambulance, so they are working on a way to modify the opening to accommodate a larger door. He has met with a couple of hardware companies that may be able to help by donating materials and possibly labor as well. The Fire Academy Class will begin on March 10th with nine fire fighters attending. It will be running three days a week until July. They are finishing up the EMS Per Capita Grant application that will help with continued training and some equipment purchases. They are trying to purchase the badges talked about previously within budget and have been told someone donated some money to help. Mayor Macfarlane mentioned it was Bill Kirshner who donated the money and she appreciated his help. Council Member Hadley advised he is still working with the CERT and Emergency Preparedness members to get a monthly meeting scheduled. He asked

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about the clean up of I-15 on the east side of the fence. Mayor Macfarlane responded the jail inmates had begun the job, but due to weather has not finished. They will be back to finish soon.

Council Member Peay stated she and be meeting again with Recreation Supervisor Maylin to work on Fun Days. The tentative date for the skate park public open house is Tuesday, March 25th at 6:30 p.m. in the Sunset Room. She said if there were any objections to that date to please let her know as soon as possible so they can get word out about the open house. She plans to place signs up at the skate park and advertise in other ways as well. Police Chief Eborn mentioned a make up court day was scheduled for that day so it may still be going on when the meeting starts. No one thought it would be a problem. She reported she met with the Manager, Debbie Draper, and toured the North Davis Senior Facility to see what programs are available for Sunset seniors. She highly encouraged anyone 55 years old or older to use the facility. It is across the street to the west of the Clearfield City Building and it is an amazing facility with numerous programs. A shuttle is available if they call the facility to get on their list and the shuttle will pick them up and drop them off at their homes. With that facility so close and having shuttle service she does not feel Sunset needs to duplicate the programs here. Flyers will be available at the City Building and a link to their website will be on Sunset's website. Even though a lot of seniors do not use the web, she is hoping some of their children will see it and tell their parents about it. Mrs. Draper told her Sunset has quite a few residents using the Meals on Wheels program, so Council Member Peay will be helping her the week of March 17th for the Meals on Wheels campaign either serving lunch or delivering the meals. If there is another campaign when school is out maybe she can have some of the Youth City Council help as well. She, Council Member Snow and a Planning Commission Member will be meeting this week to narrow down the applicants of the RFP for redevelopment planning on the blighted areas of Sunset. She will chaperone the Youth City Council at the Summit in Logan. Next week she will be attending the Police Academy on Thursday nights and is excited about it. She thanked everyone for the help they have given her when she has questions or requests in fulfilling her assignments.

Mayor Macfarlane stated her appreciation for the Council Members stepping it up and following through with their assignments. She recognized Jenni Williams, a reporter for the Standard Examiner, for writing such good articles for Sunset City and helping them to promote the City. She attended the 75th Air Base Wing Outstanding Military and Civilian Recognition, which was really great to see those people getting recognition for the great work they do. The people of HAFB really do want Sunset City to be involved in their programs and Sunset needs HAFB as well. She attended the Wasatch Front Regional Council meeting on February 24th and Planning Chair Stevenson was there. She is trying to let them know Sunset would really like a Front Runner Station, they were listening and it is on the map. It may not come to fruition, but at least they are listening. Davis County Commissioner Millburn told her the train engines may become electric one day and the Sunset stop would be easier then. She attended her first meeting of the Wasatch Integrated Waste Management District Board. She is now on their operations committee and was nominated to be the Chair of that committee. The landfill summer hours beginning March 10th will be 7:00 a.m. to 6:00 p.m. Monday through Saturday instead of 7:00 a.m. to 7:00

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p.m. as it has been in the past. That is to try to cut costs and still accommodate the citizens. She has made a few other phone calls and has been told it is nice to have Sunset becoming involved. She feels they are making a difference in the community and thanked the Council Members for all they are doing.

Police Chief Eborn noted the Sunset Police Department will be teaching a course in the Police Academy on May 1st. They will be teaching what Officers go through when they are shot, etc. and will have some wives whose husbands have been involved in officer shootings.

Public Works Director Noyes advised the Public Works employees maintain everything from the light bulbs in the City Building to the lines that deliver water to people's homes. He feels the Council has no idea how much their crew of five do every day and that needs to be remembered when they ask them to do the little side projects. They are happy to do them, but it takes manpower away from maintaining the essential services the City provides.

Asst. Fire Chief Carter said Council Member Hadley covered most of the items for the Fire Department. They are stocking the ambulance to get it in service as soon as possible. The Council is invited to attend and watch any class of the Fire Academy they would like to. The classes are held on Sunday, Monday and Wednesday. They are trying to set up a live fire training session at HAFB in July and they would like the Council to go up and watch them. When everything is firmed up they will let the Council know.

Mayor Macfarlane thanked everyone for attending the Council meeting.

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

The meeting adjourned at 8:50 p.m.

Approved – April 1, 2014

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder