

**Sunset City Corporation**  
**City Council Minutes**  
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Minutes of a regular meeting held March 19, 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:**

Susan R. Hale	Recorder
Norm Noyes	Public Works Director
Ryan Rhoades	Firefighter
Amy Tomczak (around 8:00)	Firefighter

**Excused:**

Linda Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief

**Others Present:**

Terry Avondet	Citizen Corps
Mark Loucks	HAFB
Barbara Fisher	HAFB
Bambi Gibson	RAB Citizen Representative
Brian McKenzie	Davis County Elections Office
Adam Hughes	Better Cities
Robert Kelly	Mountain West Curbside Recycling
Archie Toole	Clifton Jensen
Trystal Peay	Sarah Rentmeister
Alana Cardwell	Kelli Reid
Heather Candland	

**REGULAR SESSION**

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

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

**Approval of Minutes:** Council Member Furniss made a motion to approve the minutes of March 5, 2013 as presented. Council Member Andrews seconded the motion. The motion passed unanimously.

**Public Comments:** Robert Kelly, owner of Mountain West Recycling, said he was here to make sure he can continue doing business in Sunset after the City's recycling program begins. He

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understands this is an opt-out program and hopes he can continue to service his present customers if they opt-out of the City's program.

Kelly Reid heard the Council was going to discuss the possibility of discontinuing Kids Club. She presented the Council with letters her kids wrote saying how much fun they had in Kids Club. There are three elementary schools in Sunset and most students come from low income families. She feels the City needs Kids Club more than the skate park and iPads. They need programs for kids.

Trystal Peay said she is concerned about the kids at the skate park and is upset she cannot take her children there due to those kids smoking and bullying her kids. She believes it is not a safe place. She has lived in Sunset for seven years and something has to change.

Heather Candland said Kids Club is beneficial to her kids and the neighborhood kids. The City should not get rid of it.

**1. Hill Air Force Base Environmental Update:** Mark Loucks, Chief of Restoration at HAFB said he brought copies of the plume maps in case some residents want to see them. He advised Bambi Gibson represents Sunset on the Restoration Advisory Board along with Joe Maylin and he appreciates their attendance at the meetings. Due to past disposal practices on base there are contaminated areas of groundwater. There are two Operable Units in Sunset; OU5 and OU10. OU9 originally extended slightly into Sunset, but it is shrinking and no longer affects Sunset. OU5 concentrations are decreasing although it will be decades before it reaches full clean up. They have placed an aeration curtain on Main Street in Sunset. It is operating well and the plume is reacting to it well. OU10 is in the corner of Clearfield and Sunset. They are currently studying its two plumes to determine if the contamination is spreading and evaluating options to clean up the plumes. The north plume is very deep and will not impact residents. The south plume is closer to the surface and is stable, although it may need further action at a later time. During the air sampling of homes in Sunset they have found that vapor intrusion doesn't happen very often because concentrations are not as common in higher elevations. If the concentration is at or above .042 ppb they will recommend a filtration system be put in the home. There are about 600 homes within the plume in Sunset and out of the 340 they sent letters to in 2013, 109 requested testing. The results are back for 74 and only one was at or above the action level. HAFB has changed the way they are doing the contracting to conduct the environmental cleanup. They want it done faster and, if a site can be closed out, they want it closed out to minimize the use of tax payer money. They have found that vegetable oil degrades this type of TCE and if it works well in OU9, they will do it in OU5. If they can take off a decade or two for full clean up that will save money, also. They will have meetings for public comment in August, September and December. Residents have asked if there is a point they can have their filtration systems removed. Mr. Loucks said Arizona State University has bought a home in Layton within the plume so they could study it. There are more variations between each time the air is tested than they thought possible. It fluctuates from high to low depending on weather and other extenuating circumstances. Therefore, he hesitates to pull any systems yet. He is not as concerned about Sunset homes, but in Roy and Layton there are a lot of variables.

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Mayor Bangerter asked Bambi Gibson to tell them about her time on the Board. Mrs. Gibson said she appreciates the opportunity to be on the Board and appreciates the HAFB representatives explaining items at a level the normal person can understand. She has developed a good working relationship with them and trusts them to look out for Sunset residents' interests.

Council Member Furniss said there were some Mom's with children in the audience waiting to hear their discussion on the Kids Club item. Their children cannot be expected to sit very long and asked if they could bump up that item. It was agreed to discuss #7 at this time.

- 7. Discuss Kids Club Program:** Mayor Bangerter explained this item was brought up due to the cost of the program versus the amount of money they take in on registrations. It was thought maybe they could raise fees comparable with other cities.

Public Works Director Noyes advised he raised seven kids here, but now that he has become the Public Works Director he is looking at all the items public works deals with and he is greatly concerned with the City's infrastructure. He has to look at the needs of the City and the funding they have to do it with. Many years ago Clinton City youth came to Sunset for recreation programs. Now Clinton is bigger than Sunset and Sunset youth may need to go there for recreation programs. The issue of water, sewer, etc. deals with the health and welfare of every citizen. Although he knows the importance of children's programs, it is hard to spend \$160 per child and only get \$40 in return when there are other needs.

Council Member Andrews said his kids went through Kids Club and loved it. He thinks there may not be as many kids in Sunset as there were.

Council Member Furniss stated this has been on his mind so he used his Council Member Facebook page to get feedback. His children do not participate in Kids Club as they do other things. He knows if the price is raised it would not be affordable to a lot of residents. The senior citizens programs do not bring in money either, so he believes they need to continue the Kids Club Program. Last year the Leader did a very good job and maybe that will help increase participation. He believes most families can afford a small increase such as \$20. He is in favor of maintaining the program and increasing the price. Public Works Director Noyes said his cost study included the Director and six other employees, but it did not include the Public Works employees' time. It was asked if they could maybe use parents who want to volunteer their time, but Director Noyes said it is very hard to count on volunteers to be there consistently.

Council Member Snow is concerned with the overall recreation program. They keep cutting more and more. His wife felt Clinton City offered more for their higher priced kids club type program. He also thinks they should keep the program and increase registration by \$20. Mayor Bangerter said the recreation programs have been decreased due to funding. They have to view the City's needs versus the wants. He believes kids are very important, but the program is subsidized with tax payer dollars instead of by the people using program. The program used to receive money from sponsors, but that has dried up.

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Council Member Carlson feels strongly that they should keep the Kids Club Program. Taxes are used to send kids to school, also. He would like to continue the program with a small registration increase.

Council Member Peterson said recreation programs do not make money in the City he works for either and they are not meant to. However, with future Federal regulations being put in place it will be more expensive to run the Public Works Department, also.

Mayor Bangerter said the biggest point was to get the Council Member's opinions.

Council Member Furniss made a motion to increase the registration fee by \$20.00 and to continue the Kids Club Program. Council Member Snow seconded the motion. The motion passed by a 4 to 1 vote with Council Member Peterson voting no.

- 2. Discuss option of holding an Electronic Election versus an All By-Mail Election:** Brian McKenzie is from the Davis County Clerk/Auditor's Office, who has provided their service in Sunset to run electronic Elections for the past few years. He explained the State Legislature had passed a bill requiring the study of By-Mail voting. Davis County Clerk/Auditor, Steve Rawlings, will be on that committee so his office is gathering information. Davis County is willing to absorb their administrative costs of approximately \$1,600 this year only to run a pilot program in Sunset so they can gain experience. In their research of Washington State, that has been doing by-mail voting for a few years, they found that voter turnout increased from about 17% to 40-50%. This program requires all registered voters to be mailed a ballot. He believes that reminds people there is an Election going on.

Council Member Furniss is concerned about their switch from paper to electronic, which made the elderly nervous, and now they would be switching to by-mail voting. He also believes there could be more fraud with this system. He is personally against by-mail voting because although this year they could do it cheaply, the City's costs will drastically increase in the future. Mr. McKenzie said in Davis County about 1/3 of the registered voters are choosing to vote by mail with absentee ballots. They have a registered voter signature base. They are required to compare the signatures from that data base to the affidavit in the return envelope and, if it is obvious they do not match, they are required to call the voter to verify he/she is the one who voted. That would also happen on with all by-mail voting.

Mayor Bangerter likes the increased percentage of voter participation. He asked the Council to keep in mind that even if the program is not tested here it will be tested somewhere and in the future it may be legislated that it is done State-wide. He believes it is a good opportunity for the City to try it and learn from it at a lower cost. Council Member Andrews also believes it is good idea and gives more people the opportunity to vote. Council Member Carlson agreed with Mayor Bangerter on testing it at the lower cost. It is always good to give more people the opportunity to vote.

Council Member Snow asked if Davis County was the only place doing this. Mr. McKenzie replied Salt Lake County is proactive and doing a pilot program, also. Council Member Snow

said he would rather come to a polling location and there should be an effort to vote. He also enjoys talking to everyone at the polling place.

Mr. McKenzie said Davis County is willing to handle Sunset City's Election, whether they choose by-mail or electronic. Sunset also has the choice to use another company. If there is a Primary, Davis County will absorb its costs for that one as well. He advised the ballots have to be mailed out 28 days before the Election. Then those who register after the ballots are sent out will also be mailed ballots.

Council Member Snow is concerned with the timeframe of mailing out the ballots because a lot of campaigning is going on in the 28 days before the Election. Council Member Carlson said they already have early voting and that is not going away. If Sunset will allow Davis County to test this program, it will give both of them good data. Council Member Andrews said some poll workers depend on their poll worker pay.

Council Member Carlson made a motion to move forward with by-mail voting this year. Council Member Peterson seconded the motion. The motion passed with a three to two vote. Council Member Furniss and Council Member Snow voted no.

Mr. McKenzie said they will draft the contract and the Council will still have the right to deny it if they choose to do so.

- 3. Recognize Employees for reaching a milestone in years of employment with Sunset City:** Mayor Bangerter stated Amy Kippen has been a fire fighter with Sunset City for five years as of March 17<sup>th</sup>. She is out on a call and unable to attend. Ryan Rhoades has been employed as a fire fighter with the City for five years as of March 6<sup>th</sup>. Mr. Rhoades was presented with a certificate of appreciation and a check and was congratulated by the Council.

Amy Kippen arrived later and was given her certificate of appreciation and check after item number six. She was also congratulated by the Council.

- 4. Discussion and possible approval of Resolution 2013-02 amending the City Fee Schedule to add fees regarding green waste and recycling collection services:** Mayor Bangerter introduced this item and Council Member Snow asked why they were rushing to adopt the fee now before they get the final number of participants. Mayor Bangerter replied the fees are being set at the low end and they will be reviewed again after the program has been running for a time to see if they need to be increased, decreased or left as is. Council Member Snow believes they should wait until the number of participants is final before setting the fee. He said the flyer has gone out and there is no date on it stating when the residents have to opt-out by. That means anyone can opt-out anytime they want to. Council Member Furniss said he hadn't noticed there was no date on the flyer and he is also concerned about that. They will have to have a lot of leniency in allowing people to opt out. It was suggested the date for the opt-out deadline could be put on the utility bill.

Council Member Andrews asked what the fee was based on. Mayor Bangerter replied it was based on the cost of the hauler, City Administration for the billing, etc. and on can maintenance by Public Works. Mayor Bangerter again reiterated why recycling is good thing and that they need to set a starting fee. They will have opportunity to review the fee.

Council Member Peterson is also concerned there is no opt-out date on the flyer. Mayor Bangerter advised he had to change the flyer based on their decision at the last Council meeting. Council Member Furniss said not having a set date is a mistake on the flyer and they will have to deal with the consequences. He would like another flyer mailed out rectifying that. Mayor Bangerter clarified the cost to do that and said they are not forcing people to recycle.

Council Member Peterson asked what the other change was on the fee schedule. Recorder Hale said it was to update the North Davis Sewer District's impact fee, but she would like to amend it to state the fee is as set by the North Davis Sewer District, like the ambulance fee is worded. That way they will not need to worry about amending the City fee schedule when the District amends theirs. The Council Members agreed.

Council Member Carlson made a motion to adopt Resolution 2013-02 with the amendment suggested on the North Davis Sewer District impact fee. Council Member Peterson seconded the motion. The motion passed with a three to two roll call vote. Council Member Andrews – no, Council Member Furniss – aye, Council Member Peterson – aye, Council Member Snow – no and Council Member Carlson – yes.

5. **Discussion and possible approval of an Amendment to the Refuse Collection Contract between the City of Sunset and Econo Waste, Inc.:** Mayor Bangerter explained this amendment is to add hauling the City's green waste and regular recycling to the existing Econo Waste contract. Council Member Furniss said after the last Council meeting he called the City Attorney, Felshaw King, and asked if this should have gone out for bid. Attorney King explained the current contract states the Contractor has the exclusive right to a residential recycling service should the City desire such a service. Therefore if the City chooses to start a recycling service Econo Waste has the first option to haul it. When asked, David Church said the same thing. This is only an amendment to add recycling and the contract still ends June 30, 2013. However, there is a stipulation in the amendment saying the City will purchase the cans if they do not renew the contract. If they decide to use another company he's sure they would ask the new hauler to help purchase the cans.

Mayor Bangerter knows the owner of Mountain West Recycling is concerned about being pushed out of City because there is a clause in the contract that states the City would be the sole provider. Mayor Bangerter said he would be okay with allowing Mountain West Recycling to continue serving their current customers. Council Member Furniss reminded everyone that the contract specifies Econo Waste has exclusive right to the residential recycling service.

Council Member Furniss made a motion to approve the amendment to the contract with Econo Waste with the caveat that the City notifies all residents of the opt-out deadline, which

is 60 days from tomorrow. Council Member Carlson seconded the motion. The motion passed unanimously.

6. **Discuss matching funds for a possible Economic Development Grant:** Council Member Snow reported they tried to seek funds from Davis County for help with economic development, but they couldn't help. Matthew Godfrey found an opportunity for a grant, but needs a commitment from the Council for \$10,000 in matching funds. He said the funds would not be needed until FY2014 and items such as Administrative wages could count as part of the matching funds. Adam Hughes, from Better Cities stated the grant is one of the EDA grants and Sunset does not qualify for most of them. This Strategic Investment Grant is very competitive and that is why matching funds are required. They would need the full \$10,000 and then could use wages, etc. relating to the grant as in-kind funds. The grant is to help develop an economic development strategy to attract jobs and the application is required as soon as possible.

Council Member Furniss asked if the \$10,000 is mostly for their company to help Sunset apply for the grant. Mr. Adams replied mostly, yes. Council Member Furniss believes Falcon Hill and the 1800 North projects seem like good reasons for being issued the grant. Mr. Hughes said there are two ways of matching; by in-kind and by money. Council Member Snow said they are hoping that with \$10,000 and in-kind matching to maybe get \$30,000 to \$40,000. There was a verbal agreement from the Council to move forward and commit the \$10,000 for FY2014.

8. **Council Member reports and general information:** Public Works Director Noyes said he supports their decision on Kids Club. He texted Kristy Holt and she has agreed to oversee Kids Club again.

Council Member Snow advised the Easter Egg Hunt will be held on March 30th at 9:00 a.m. The Good Landlord ordinances will be on next agenda. He sees people in the audience speaking to the Council during their discussion and he believes comments from the audience should only be accepted when they are asked for them. He said the skate park concerns need to be addressed because it causes more traffic in the area and there are safety concerns.

Council Member Peterson reported Public Works is down a person with the Prior Director's retirement and there are Federal regulations coming up that will take more time. They need to be thinking about it.

Council Member Furniss asked if the City needed to amend an ordinance due to the candidate filing period changing. Recorder Hale clarified they did not. Council Member Furniss said he gets a lot of feedback from his Council Facebook page and a lot of the comments are about the skate park. They need to address the residents' concerns; perhaps by having an outside officer dress as a skater and then give citations for violations. Clifton Jensen interrupted and asked who would be paying the fines because the kids wouldn't; it would be the parents. Council Member Furniss told him he was out of order and said maybe the parents should pay if they're not aware of what their kids are doing. Mr. Jensen angrily left the room. Council Member Furniss told Mayor Bangerter he should have handled it and

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stopped Mr. Jensen from speaking out of turn. He reported he had observed the crosswalk on 250 West for a period of time this past week and the cars are not stopping so he asked that cross walk infractions be enforced more strictly. The main entrance to Fremont Elementary is on the south side of school and he believes they should designate one crossing and light it. He mentioned the dumpster program was brought up in department heads meeting and not discussed with the Council. Residents want to keep the program. He thanked Recorder Hale for emailing the Council the monthly accounts payable reports again.

Council Member Snow reported as he was traveling through Clinton he noticed they have green fluorescent signs so drivers can spot them easier and slow down. Maybe Sunset could try that.

Council Member Andrews thanked Ryan Rhoades and Amy Kippen for their 5 years of service with Sunset City. He thanked the citizens for all they do and mentioned there was an article in the newspaper about Janet Lujan describing her volunteer efforts at the school. He had given Police Chief Eborn information about a town giving away audio and video cameras. Maybe that is something they can install at the skate park. He thanked all the employees.

Recorder Hale said Treasurer/Office Manager Youngdell asked her to let the Council know a webinar on land use was made available for Thursday so the joint meeting with the Planning Commission has to be postponed until April 18<sup>th</sup>. So far the Office staff has received 187 answers to the recycling program, 12 requested curbside recycling, 13 requested green waste collection and 174 residents have opted out. She attended the IIMC Academy last week and reported on some items she learned. Clearfield City received more interest when they used their Facebook page to ask for Planning Commission applicants. During the "Orienting Newly Elected Officials" session she learned some cities host an orientation for the candidates soon after the filing period has ended. Then they host a meet and greet for the newly elected officials with the Department Heads so a better relationship may be established. One of the items she needs to impart is that everything they say and/or email is subject to be heard and/or read by the public, so they need to be careful how they say or write things. She advised the candidate filing period has been changed from June 1 through the 15 to June 1 through 7 so there will be enough time to prepare the ballots for mailing to the overseas voters. Senate Bill 158 has increased the general fund balance amount cities can have from 18% of their revenues to 25%. All the bills passed concerning municipalities will be on the Utah League of Cities and Towns website after April. She reminded the Council about closed meeting violations and read State Code 52-4-305 "In addition to any other penalty under this chapter, a member of the public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor." She stated she asks questions whenever they request a closed session because she is trying to keep them out of trouble. Also, they need to be careful to only discuss the item the meeting was closed for. If a challenge to a closed meeting goes to court, the Judge will listen to the recording. If the Judge determines there was no violation he will dismiss the case and not release any information about the closed meeting. However, if the Judge determines there is a violation,

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the Judge will publicly disclose from the recording or minutes all information about the portion of the meeting that was illegally closed.

Mayor Bangerter asked the Council to keep him updated on skate park concerns. He said often times the complaints received about cracks in sidewalks do not mention the location. They need to know the location so the cracks can be fixed. He asked the Council to keep positive when commenting on the City Facebook page. He mentioned if the skate park is closed down, the skaters will go back to using churches, schools and residences. The kids just need to be educated. Every year kids grow up and leave and a new batch come in to use the park. They need to be educated that swearing and smoking is not tolerated. He has asked the Police Officers to sit at the park for 15 minutes and to get out of their car and talk with kids. During the Fun Days competition they talk a lot about the rules and safety. The skate equipment can be removed if the Council desires it to be, but he believes it would be the wrong thing to do. Terry Avondet said she has watched parents drop off their kids. She has talked to the kids about cleaning up, etc. and believes the skate park is good for the kids. Mayor Bangerter asked the Council Members to try to support it and get their concerns to him. He will have Public Works look at sidewalks. He clarified that the dumpster program is not going to end. They did talk about it in Department Heads meeting, but it was just talk. They would be sure to send it before the Council if they thought it was good to end it. Director Noyes said his only thought was to make it so they only accepted garbage at the dumpster in the shop yard during two weeks in the spring and two weeks in the fall. Council Member Snow believes Sunset's dumpster program is too complicated with requiring the signatures of five of the person's neighbors. He suggested making it easier like in Roy where a resident just has to request the dumpster. Mayor Bangerter said the thought was to get the five signatures so the neighbors would be aware it was coming and they could prepare to use it also.

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

The meeting adjourned at 9:15 p.m.

Approved – April 2, 2013.

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Chad Bangerter, Mayor

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Susan R. Hale, Recorder