

**Sunset City Corporation
City Council Minutes
December 4, 2012
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Minutes of a regular meeting held December 4, 2012 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
Linda Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Norm Noyes	Public Works Director

Others Present:

Matthew Godfrey	Better Cities
Terry Avondet	Citizen Corps
Jerome Wilden	Glen Mills
Ray Chapman	Tehauna & Steve Henthorn

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 Andrews made a motion to approve the minutes of November 20, 2012 as presented. Council Member Furniss seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Furniss made a motion to approve the vouchers for Weber Basin Water - \$203,966.00 and Spillman Technologies - \$9,132.00. Council Member Andrews seconded the motion. The motion passed unanimously.

Public Comments: Glen Mills, a resident of Clearfield, said he has an insurance problem and thanked Chief Eborn for trying to walk him through the process. He had insurance when a Police Officer ran his plates, but the VIN was one number off so it didn't show up on the State program. He was told he had to go before the Judge and show him a copy of his insurance declaration, but the VIN is wrong on the declaration so it's not going to do him any good. He came in on November 28th and showed the Court Clerk a Farmer's Insurance paper showing the corrected VIN and the effective date was July 1, 2012 ending on July 31, 2013. The next morning he received a letter advising him of an imminent warrant. His problem is that the original agent has been fired and the new person doesn't want to do all this paperwork since he

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isn't getting the premiums for it. He was supposed to be in Court the middle of November, but he couldn't get the VIN resolved. He asked the Council to change the policy so that if he shows proof of insurance to the Court Clerk, it goes to the Chief of Police to validate it and dismiss it. He believes he has spent over \$100 in Sunset residents' tax money trying to resolve this. He explained what he was told by Clearfield on how they handle this type of issue, which is what he proposed the Council change Sunset's policy to. He was told the Council is the legislative body and cannot dictate to the judicial body. Mayor Bangertter said he would talk with Judge Jensen to see if there is anything they can remedy. Council Member Andrews said Judge Jensen dismisses these types of cases as soon as he is shown proof of insurance. Mr. Mills said his problem is that he works when Court is scheduled so he would have to take time off.

Jerome Wilden said he has been a Sunset resident for 50 years. During this time he has paid taxes and up to this point he has not been aware of any misuse of public funds. Now there is a situation he is not favor of and he believes the majority of the residents would not be in favor of it either. This is the recent purchase of iPads for the City Council Members at a total of \$3,790, which he believes is a misuse of their tax dollars, and was spurred on by one of the Council Members. He is in total agreement with Phil Coulter of Layton, who recently wrote a letter to the Standard Examiner. It should remind them they are representing the citizens of Sunset and any decisions made should be in their best interest, but it appears those who cast a yes vote for the purchase of iPads were made for personal reasons and not for the citizens. He assumes, with his work for the LDS Church and his appointment with the North Davis Sewer District, Council Member Furniss already had an iPad or similar device. He believes Council Members Andrews and Snow each have a cell phone or home phone and does not see any reason they cannot communicate with each other. He suggested those three use their own money to reimburse the City for the cost of the iPads or that they be returned and the money refunded back to the City. He complimented Council Members Carlson and Peterson for their good sense in voting no for this purchase.

Neil Coker, as a resident of Sunset, commented on the upcoming recycling item. If it was more than just green waste recycling he would be in favor of it. If it is just for green waste he will probably opt out. He emailed the Mayor and Council 1 ½ to 2 months ago about being in favor of a recycling program and is disappointed he never heard back from any of them.

Steve Henthorn, a resident of Sunset, commented on the Good Landlord Program item. He knows neighboring cities have implemented a similar program and he would like to see it in Sunset with a little more incentive for the landlords to participate than just paying less in licensing fees. He would like to see the classes be easier to participate in. He believes the Program will cut crime in Sunset as he believes it has in Ogden and Roy.

1. Discussion and possible approval of proposal by Better Cities regarding a Good Landlord Program: Matthew Godfrey said he was asked by a few Council Members to put together a proposal for a Good Landlord Program that would not cost Sunset any money and he believes he and his team has done that. He showed a short video summarizing the Program. State law requires there to be a disproportionate impact study done. That looks at what the costs are for owner/occupied units versus rental units to see if the cost is higher for rentals. Most cities have found a significant increase in costs for rental property versus

owner/occupied property. State law allows communities to collect that difference with disproportionate impact fees included in business licenses. Most of those studies are done with an outside company so the analysis is independent from the community. An ordinance and a fee schedule are also required. Training components need to be outlined for each specific community. When the Program is implemented a tracking system also needs to be implemented so landlords cannot sign up for the Program and never comply with the requirements. Some of the requirements other cities have found useful are to maintain an attractive property and keeping it up to code, to properly screen tenants, evict tenants who break the law and employ design principles to deter crime. The landlords get to choose to either pay their fair share of the city expenses through higher business license fees or participate in the Program, which lowers their cost to the City for services. The expected outcomes for this type of Program are to lower crime for the community, lower city expenses, increase property values and better neighborhoods. The neighboring communities already participating in the Program are Roy, Ogden, Washington Terrace and Clearfield. The tenants who are unable to rent in those communities because of their background checks will rent in a community without a Good Landlord Program.

The proposal put together by Better Cities is one where there would be no upfront costs to the City and it fits very well under the contract already in place with Sunset, which is for \$5,000. They would perform a disproportionate impact study, draft an ordinance for the City Attorney to review and work with Council and Administration to draft the training curriculum. They would get compensated by teaching the classes. They have patented the ability to have the class taught online as well as in person. They can move forward quickly and just need approval from the Council. He would not want to waste his time to do it without knowing there is support from the Council to follow through and move forward with a potential ordinance.

Mayor Bangerter disclosed he owns rental property in the City and is not a voting member of the Governing Body, but he would like to participate in the discussion if it okay with the Council. There was no objection from the Council Members.

Council Member Andrews said they opted not to do the Good Landlord Program in years past and wondered why they should go with it now. Mr. Godfrey said he understood the reason they did not go with the Program in the past was due to the upfront cost of the study, which was about \$10,000. That is why Better Cities has proposed no upfront costs. Also, other cities have found that about 90% of the landlords participate in the Program, meaning 10% are paying increased fees, so the City may see higher revenue.

Council Member Furniss agreed the last time they didn't go with the Program was due to money. He shared the note provided by Recorder Hale, "Just so you know, the business license renewals (including rentals) went out on Friday, November 30th so it is probably too late to implement the program this year. Another item to consider is our staffing. With present staff, overtime would be needed to implement the program." When the staff has concerns, it tends to make him gun shy. He asked Mr. Godfrey about it. Mr. Godfrey said they could wait and implement it next year or they could just implement it now and they could elect to have a different cycle for those licenses. He has not taken the opportunity yet

to sit down with the staff and talk through what they would do and what the staff would do. He believes the extra burden to the staff will be fairly minimal except for mailing out the notices. Better Cities will recoup their costs by receiving the funds from newly generated rental licenses for the first year and by conducting the classes.

Council Member Peterson said Better Cities providing the class instruction is in the contract for 10 years and he knows other cities will accept the class taken in another city by the landlord. He asked if Sunset would be able to do the same thing. Mr. Godfrey said that is something the Council would decide and put into the ordinance. They request the ordinance provide for classes that are specific to Sunset.

Police Chief Eborn hoped the Council will allow Mr. Godfrey to have a meeting with the staff. He is for anything that will reduce crime in the City, but he does not understand fully what the Police Department's roll will be in the Program. He believes the other Department Heads feel the same way. Treasurer/Office Manager Youngdell is concerned about implementing a program like this with her current staff of only three people and stated she would probably be asking for a part-time person come budget time.

It was decided to have Better Cities meet with the City staff and then draft an ordinance to bring back to the Council for approval.

Council Member Furniss made a motion to allow Mr. Godfrey to meet with the City staff, work out any issues and bring an ordinance to the Council for approval. Council Member Carlson seconded the motion. The motion passed unanimously.

2. **Discuss the green waste recycling program:** Mayor Bangerter said they were presented with green waste recycling information at the last meeting and asked if the Council had more input or questions. Council Member Peterson said of the people he talked to most were more interested in total recycling instead of just green waste. Mayor Bangerter emphasized that the main reason for the green waste recycling is to keep the grass out of the garbage, therefore out of the burn plant where it does not burn well. Council Member Carlson's responses were similar to Council Member Peterson's with the people he talked to. Council Member Furniss said he had mixed reviews, but most do want a completed recycling. He is hesitant to move forward unless they receive a good response from the residents and how they obtain their opinions. It was discussed and decided to begin by putting the question on the utility bills and mentioning it at the Seniors' Christmas Luncheon this month. If they don't get many responding, maybe they could go door to door in sections throughout the City. Ray Chapman suggested having the Youth City Council Members help with that. Council Member Furniss said he will also put it on his Council Member Facebook page.
3. **Discussion on whether to open the budget or reallocate funds within the existing budget to pay for the iPads approved at the last Council meeting:** Recorder Hale said the Council can authorize the general fund budget to be adjusted such as in making one or some line items have less to spend in order to allow more to be spent in another line item. To increase the general fund budget, a public hearing has to be held with at least 7 days notice. She passed out a worksheet and explained how the Council could reduce their training and

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travel line item from \$8,200 to \$5,400 and increase their office supplies line item from \$1,250 to \$4,050, which is taking \$2,800 from training & travel and adding it to office supplies. That would provide enough in the office supply line item to pay the \$3,790 for the iPads and still leave \$5,000 in the training & travel for their Spring Utah League of Cities & Towns conference and about \$200 for any office supplies needed. Council Member Furniss said they just sold a City owned house and asked who determined the money from that was to go into the Economic Development Fund. Recorder Hale said the house was purchased from that fund, so the money from the sale went back into it for future Economic Development. Mayor Bangerter said what Recorder Hale proposed would take care of the issue and they can move forward. He asked if the Council was comfortable with it. The Council Members concurred they were. Mayor Bangerter said the iPads are here. He has asked Treasurer/Office Manager Youngdell to make sure they're all set up the same and to sign them out to those receiving them. Council Member Peterson asked about a scanner so the staff can upload documents to the iPads. Treasurer/Office Manager Youngdell said she conducted some research with the Sugar Sync program and does not believe there will be a lot to scan. Mayor Bangerter asked about those of the Council Members who do not have wifi at home. Council Member Furniss clarified they could go to the City Building, public library or anywhere else there is free wifi. Council Member Snow said also if they have internet, they would only need to get a wireless router to get wifi.

4. **Council Member reports and general information:** Police Chief Eborn said he appreciated the comments from Mr. Mills during the public comment period about him being able to dismiss citations, but he believes State Statute would not allow it. He also believes maybe Mr. Mills did not fully understand how Clearfield City dismisses those types of citations. He knows there was a concern when Doug Garcia left, but he reported Officer Duane Arbogast is doing well from what he has heard from the schools and from students. Both new Officers, Jared Jensen and Cody Butcher, have completed their field training and are out on their own now.

Treasurer/Office Manager Youngdell clarified that Judge Jensen has given the Court Clerks a little bit of leeway on no insurance citations. When someone comes in with a citation for no insurance, if their insurance company has not reported it on the statewide system, they have to bring in a letter from their insurance company on their letterhead stating the person was covered in that vehicle on the date and time of the citation. The citation can then be dismissed. She asked those who are to receive iPads to meet with her after the meeting so she will know who she has to set them up for. The software conversion for the Office is beginning tomorrow with Caselle pulling the files. The files will not come back until Monday morning. The Office still has to operate so the staff will be cash receipting as usual, but then on Monday after the files are returned they will be re-inputting all those receipts into the new software. They will be training on the new system Monday through Thursday by way of internet and phone. Therefore, if the Council comes in and sees them with headphones on, it means they are in training.

Fire Chief Coker reminded everyone the Fire Department will be taking Santa around the City at 9:00 a.m. on Saturday. Then from 1:00 to 3:00 Santa will be in the Sunset Room for pictures with the children. There will also be activities going on to entertain the kids. The

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Mayor and Council are invited to the annual Fire Department dinner on December 14th. He will email them the time and would appreciate a response by the end of the week.

Public Works Director Noyes reminded everyone the Seniors' Christmas Luncheon is on December 12th at noon in the Sunset Room. He asked all those who can to come and help them serve the residents. He will be out of town during that week and will not be able to participate. The dump truck has been taken to Tesco Williams to have the new dump bed put on it, and then they'll swap out the other bed.

Council Member Snow advised he designed and ordered 18 Beautification signs and it will cost about \$150.00. This year for the Christmas Lighting awards, they will only do two first place winners so they can purchase the signs. Then next year they will go back to three. He asked if Public Works Director Noyes' probation isn't coming up soon. Mayor Bangerter said it is next Wednesday and he asked the Council if they would like to have a work meeting on Director Noyes' probation ending of if they just wanted him to do what he feels is best. Council Member Furniss said it is Mayor Bangerter's recommendation and the Council votes on it. Council Member Snow said they have been in the news a lot lately. In reference to the first article, he said Layton did not conduct a study and a study was never talked about in Sunset's meetings. Also, the issue has been talked about long before Layton decided to go paperless. He didn't like how the article portrayed they were spending the tax payers' money frivolously and not being fiscally responsible. They have had other circumstances this year where they could have given away a lot of money that did not benefit the City, but that would have been a waste.

Council Member Peterson thanked all the employees and residents for attending the meetings. Since Sunset's iPad issue was brought up, he said there are a lot of other cities purchasing iPads that had not budgeted for them either.

Council Member Furniss said some of the Council stood their ground, did not vote for the iPads and some people are proud of them for it. He asked if those members are going to work with those who voted for them and accept the iPads so they can communicate better or are they still going to hold their ground. Council Member Carlson said he does not want them sitting on the shelf going to waste. Council Member Furniss said that was what he was hoping to hear. He said he has lived in Sunset for 15 years and has never noticed the stop sign located on 1800 North and Main streets. A friend of his who lives in Clinton asked him what the stop sign was for since there is a traffic light there. He asked Chief Eborn to check into it. The stop sign is on the northwest corner in Saigon Market's parking lot. Chief Eborn believes it is there for the people exiting Saigon Market and it has been turned somehow, but he will check into it. Council Member Furniss thanked the Fire Department for allowing him to attend their award banquet. He had heard there is a problem with volunteers and burn out, so he talked with many fire fighters and they all told him they were not. He believes recognition is important and commended the Fire Department for recognizing those that received the awards. Council Member Furniss believes Mr. Mills' frustration is due to his missing his court date. He believes the Council needs to stay away from interfering in judicial matters. The North Davis Sewer District has just signed paperwork to do a design/build. They anticipate saving \$1 million going that way.

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Council Member Andrews stated his appreciation for the employees of Sunset and commended them for doing a good job. He is thankful for his position on the City Council and said he tries to save money whenever possible and that is the reason for going with the iPads. They will eliminate a lot of paper and ink costs. He is frustrated with the people who leave messages complaining about items, but do not leave any call back information so he can respond. He wished everyone a Merry Christmas.

Mayor Bangerter said he received a call from a citizen requesting his limo service to take three adults and about 10 kids from Sunset Elementary to McDonald's for lunch as a reward for fund raising. Sunset does a "Lunch with the Mayor" program for Doxey Elementary and the Clinton Mayor does a similar program for Sunset and Fremont Elementary Schools. He reminded the employees about the Employee Christmas dinner on December 19th at 6:00.

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

The meeting adjourned at 8:10 p.m.

Approved – December 18, 2012.

Chad Bangerter, Mayor

Susan R. Hale, Recorder