

RESOLUTION #17-61C

**A RESOLUTION APPROVING THE DONATION OF A
SURPLUS STREET SWEEPER TO THE TOWN OF
MINERSVILLE, UTAH.**

WHEREAS, the Town of Minersville, Utah (“**Minersville**”) has a population of under 950 residents, and has a limited budget with insufficient funds for purchasing a used street sweeper which it needs to provide clean streets for its residents, and is especially needed when laying new asphalt and slurry on roads; and

WHEREAS, Sandy City has a 15-year-old surplus street sweeper with over 50,000 miles of use on it which Sandy City almost never uses, as it has another back-up street sweeper in better condition; and

WHEREAS, the 2002 street sweeper is worth \$10,000 or less; and

WHEREAS, Utah Code Section 10-8-2 allows for a city to provide non-monetary assistance to a non-profit entity, whether or not the city receives consideration in return; and

WHEREAS, the donation of the street sweeper will, with all other services, non-monetary assistance, and fees waived under Subsection 10-8-2(1)(a)(v), not exceed one percent of the City’s total budget for this fiscal year, which is the limit allowed under Utah Code Section 10-8-2,

NOW THEREFORE, BE IT RESOLVED by the City Council of Sandy City, that the City Council hereby approves and authorizes the donation of the City’s 2002 street sweeper to the Town of Minersville, Utah.

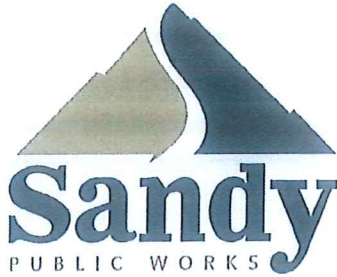
PASSED AND APPROVED by the Sandy City Council this ____ day of _____, 2017.

Chris McCandless, Chairman
Sandy City Council

ATTEST:

City Recorder

Recorded this ____ day of _____, 2017.



DEPARTMENT OF PUBLIC WORKS

Tom Dolan
Mayor

Scott Bond
Chief Administrative Officer

Michael Gladbach, P.E.
Director

October 27, 2017

TO: Scott Bond, Chief Administrative Officer

RE: Equipment Donation Request

Public Works recommends that Sandy City donate a Street Sweeper to Minersville, Utah. The residents of Minersville deserve clean streets and we can help them to that end.

Background:

Minersville is a small community in Beaver County with a population of less than 1,000 residents. They have attempted to budget for the purchase of a street sweeper for years but have been unable to fund the purchase of even a used one. They historically rent one for short periods to clean up after projects, but cannot maintain clean streets on a regular basis.

During a discussion with our Fleet Manager, Nathan Schafer, we determined that we have one (1) street sweeper that is under-utilized. I am requesting a reduction in fleet allocation of one (1) street sweeper taking us from five units to four units. The sweeper in question is a 2002 model year with about 50,000 miles. We estimate its value at about \$10,000 based on what we believe it may return at auction.

If you have any questions or wish to discuss this further I can be reached at 801-568-2968 or by email at mgladbach@sandy.utah.gov.

Thanks.

A handwritten signature in blue ink that reads "Michael C. Gladbach".

Michael C. Gladbach, P.E.
Director

Minersville Town
60 West Main
PO Box 159
Minersville UT. 84752
435-386-2242

To Whom It May Concern:

Minersville Town has been looking for a street sweeper for over a year. We have a small budget and have been attempting to find a good used sweeper. The Town has been borrowing the sweeper from the Beaver County Road Crew when we have to chip seal our roads. Kevin Carter (Town Manager) had contacted Greg from Cate Equipment in our search. Greg contacted me Cherie Wood (Minersville Town Clerk) last week asking if we had purchased a sweeper yet, I replied no we had not found one that our budget could afford yet. Greg also asked me if it was alright if he gave our contact name and number to someone that might have one that we might be interested in. I told him yes he could give our contact information out.

I received a call from Nathan Schafer from Sandy City last Thursday and he said that Greg from Cate Equipment had given him our contact information and said that Minersville Town was looking for a street sweeper.

Thank you,



Cherie C. Wood
Minersville Town Clerk

Mike Gladbach - Re: sweeper to Minersville

From: Robert Wall
To: Mike Gladbach
Date: 10/26/2017 2:26 PM
Subject: Re: sweeper to Minersville
Cc: Steve Osborn
Attachments: Robert Wall.vcf

Mike,

Thanks for contacting me. My apologies if we did not communicate well. After we talked I did not realize you were then hoping for something more from me. Below is language from the statute I mentioned when we last spoke that I think allows you to make the donation. I have highlighted the pertinent provisions. I do not know the specific process the City has used internally in making allowed donations in the past; however, here are the components you probably need to pursue, not necessarily in this order:

* A conversation with Scott Bond and Brian Kelley would be appropriate as there is a limitation to the value of donation the City can make in any given fiscal year (1% of the budget). The 1% cap is for all donations combined, not each donation;

* If Administration is ok with the donation, you need to work with the Council Office to include the proposal on a Council agenda for a public hearing. The hearing notice requires no unique wording or time for publication (ie the notice could be that which is given for a regular Council agenda item);

* It would probably be helpful to the Council if you prepared a staff report that reflects what the donation is, why you think it is a good idea, etc. Again, there is no particular format for such; perhaps a conversation with Mike Applegarth relative to what information he believes the Council would desire in order to make a decision would help you prepare a staff report and your presentation the night of the hearing.

* The Council would approve the donation by resolution so you would need to provide a resolution as part of the information you include for the Council packet.

I'll ask Steve Osborn to help you with any wording for your staff report or your resolution by copying him on this email should you have questions or would like assistance after you talk with Scott, Brian, and Mike. The 4 steps may seem a bit bureaucratic but the process is quite straight forward as you can see from the statute. Rob.

Effective 5/13/2014

10-8-2 Appropriations -- Acquisition and disposal of property -- Municipal authority -- Corporate purpose -- Procedure -- Notice of intent to acquire real property.

(1)

(a) A municipal legislative body may:

- (i) appropriate money for corporate purposes only;
- (ii) provide for payment of debts and expenses of the corporation;
- (iii) subject to Subsections (4) and (5), purchase, receive, hold, sell, lease, convey, and dispose of real and personal property for the benefit of the municipality, whether the property is within or without the municipality's corporate boundaries, if the action is in the public interest and complies with other law;

(iv) improve, protect, and do any other thing in relation to this property that an individual could do; and
(v) subject to Subsection (2) and after first holding a public hearing, authorize municipal services or other nonmonetary assistance to be provided to or waive fees required to be paid by a nonprofit entity, whether or not the municipality receives consideration in return.

(b) A municipality may:

(i) furnish all necessary local public services within the municipality;
(ii) purchase, hire, construct, own, maintain and operate, or lease public utilities located and operating within and operated by the municipality; and
(iii) subject to Subsection (1)(c), acquire by eminent domain, or otherwise, property located inside or outside the corporate limits of the municipality and necessary for any of the purposes stated in Subsections (1)(b)(i) and (ii), subject to restrictions imposed by Title 78B, Chapter 6, Part 5, Eminent Domain, and general law for the protection of other communities.

(c) Each municipality that intends to acquire property by eminent domain under Subsection (1)(b) shall comply with the requirements of Section 78B-6-505.

(d) Subsection (1)(b) may not be construed to diminish any other authority a municipality may claim to have under the law to acquire by eminent domain property located inside or outside the municipality.

(2)

(a) Services or assistance provided pursuant to Subsection (1)(a)(v) is not subject to the provisions of Subsection (3).

(b) The total amount of services or other nonmonetary assistance provided or fees waived under Subsection (1)(a)(v) in any given fiscal year may not exceed 1% of the municipality's budget for that fiscal year.

I. Robert Wall

Sandy City Attorney

rwall@sandy.utah.gov

>>> Mike Gladbach 10/26/2017 1:48 PM >>>

Rob,

Any update? Does this have wheels?

Thanks.

Mike

Mike Gladbach, P.E.
Public Works Director

8775 South 700 West
Sandy, UT 84070
phone: [801/568-2968](tel:8015682968)