

**Sunset City Corporation  
City Council Minutes  
January 3, 2017  
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Minutes of a regular meeting held January 3, 2017 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

**REGULAR SESSION**

**Mayor and Council Present:**

Beverly Macfarlane	Mayor
Chad Bangerter	Council Member
Ricky Carlson	Council Member
Jake Peterson	Council Member
Scott Wiggill	Council Member

**City Employees Present:**

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director
Chris Whetton	Asst. Fire Chief

**Excused:**

Norm Noyes	Council Member
Anthony Bott	Interim Fire Chief

**Others Present:**

Janet LuJan	Wanema Butcher
Martin Harder	Karen Harder
Kyle Harder	

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

Mayor Macfarlane gave the invocation and led the Pledge of Allegiance.

**Approval of Minutes:** Council Member Wiggill made a motion to approve the minutes of December 13, 2016 as presented. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

**Approval of Vouchers:** Council Member Carlson made a motion to approve the voucher for Utah Local Governments Trust in the amount of \$34,403.00. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

**Public Comments:** Martin Harder asked if he will be able to join in the discussion of item 4 - Discussion of semi-tractor/trailer parking on commercial property. The answer was yes.

**1. Recognize Judge Jerald Jensen on his retirement after 14.75 years of service:** Mayor Macfarlane thanked Judge Jensen and said she had attended several of his court sessions and

found him to be very fair with the patrons and proactive in helping them move forward. She read and presented a plaque to Judge Jensen. He was congratulated by the Council.

Judge Jensen stated he has been on the bench in several courts over the last 30 years and there has always been a problem with judicial independence from the entity in which he served. He complimented all the Mayors and Council Members he has served with in Sunset City for their innate sense of the role of the court. There has never been an incidence where there was any attempt to inappropriately control the court. He thanked them for their respect of the Court.

Council Member Bangerter thanked Judge Jensen for his time here and wished him the best.

2. **Present Kelly Hill with Neighbors Helping Neighbors award:** Kelly Hill was not present and Mayor Macfarlane told of all the help Mr. Hill has provided for his elderly neighbors.
3. **Presentation of the Sunset City FY2016 Annual Financial Report:** Jeff Ambrose, of Christensen, Palmer and Ambrose, thanked Recorder Hale and Treasurer/Office Manager Youngdell for their help during the audit and mentioned Recorder Hale is the one who wrote the report. The Independent Auditor's Report was a clean report, which is the highest level they can render. He gave a summary of the FY Annual Financial Report. In the Governmental Funds the assets increased by about \$270,000 and decreased about \$53,000 in the Enterprise Funds for a net increase City-wide of about \$217,000. The liabilities increased due to the net pension liability increasing, however all the vehicle leases were paid off and only the City Building lease is left outstanding. The City-wide assets increased more than the liabilities for a net position increase of approximately \$279,000. The General Fund is still about \$31,000 over the State Code 25% maximum and that was the only finding for Fiscal Year 2017. There were no material weaknesses in internal controls or any areas of non-compliance with certain laws and regulations. Again, it was a clean report.

Mr. Ambrose was thanked by Mayor Macfarlane, the Council and Recorder Hale.

4. **Discussion of semi-tractor/trailer parking on commercial property:** Martin Harder explained he has either lived in or operated his business in Sunset since 1960. He brought up the parking ordinance and said he could not find anything in Sunset Code about the parking of semi trucks in commercial areas. There is an ordinance for residents to purchase a permit to park their semi tractor, but not the trailer, on their property. He believes commercial property owners should also be able to park semi trucks on their property. He said he had a truck parked on his property without his consent and the police were able to get it removed pretty quickly, then he found out it was a client of his. If he'd have asked, Mr. Harder said he would have let him park there. He explained his son is employed as a semi-truck driver out of Brigham City and it is not convenient for him to drive all the way north to Brigham City to get the truck and go on his run, which is usually back south. Mr. Harder is not allowed to park the truck at his house, so he has allowed him to park the truck on his commercial property to help him out, but has had a run in with the City. He would like the City to allow him to have his son's truck parked on his commercial property.

Mayor Macfarlane believes it would be replicated throughout the City if they change the ordinance. He has to remember the ordinance would cover all the commercial properties, not just his. Mr. Martin believes there is no ordinance specific to commercial properties and if he were to receive a citation, it would go to court because there are no grounds for the citation. He believes the problem could be solved by allowing semi parking only with permission from the Council. Mayor Macfarlane asked if the City in which they live has an ordinance that allows commercial parking of semis. Mr. Harder replied even if they did, he'd have to find someone with commercial property to park it on.

Council Member Bangerter believes Mr. Harder has a valid concern and said he is not against this because there are already businesses that occasionally have tractor-trailers parked there overnight to load and unload, such as Smith's Food and Drug. He doubts there are other businesses that will have them parked on their property because their lots are too small. He would like to try and make this work. Mayor Macfarlane said again, once they make an ordinance change the opportunity needs to exist for everyone. She would like to table this item until the Council can decide what they want to do with this issue.

Mr. Harder asked if they could be in a stand down position on this ordinance in the mean time because his son will need to park his truck there from time to time. Mayor Macfarlane asked Police Chief Eborn how they should hand this. Chief Eborn stated if the Council tells him to suspend it, and it is in the minutes, that is what his Department will do. Mayor Macfarlane said she would only want him to do this for Mr. Harder. She asked how often the semi-truck will need to be parked on the property. Mr. Harder's son, Kyle Harder, replied sometimes he is gone for weeks, sometimes he's home every other day. He's only had to park there about three days in a row until Christmas time came and then it's been there for a while.

Mayor Macfarlane asked other Council Members how they feel about this issue. Council Member Carlson said if it's not spelled out in the ordinance, they should review it for something workable. Council Member Wiggill agreed. Council Member Peterson said he is all about property owner rights, so he wants to review this ordinance, although he doesn't want trucks parked all over the City either. Council Member Bangerter said it was obvious the Council thinks this is an issue, so he would like to get some ideas. He commented that a truck operator only makes money when the truck is moving, so he doesn't want it parked for long. He asked Mr. Harder to explain why his truck was parked there for a longer period of time over the holidays. Mr. Kyle Harder said before the last trip an air line broke which delayed it for a day, then wintertime is iffy for loading a flatbed trailer and he wanted to be home with his family over the holidays. Council Member Bangerter asked Mr. Harder what he believed would be a fair amount of time to allow semis to be parked on a commercial property during each instance because, once they do this, they can't keep making exceptions. This was discussed, during which time Mrs. Harder said she checked with the surrounding cities and there is not one city that says semis cannot be parked on commercial property. Chief Eborn cannot say, if the Council allows this, it will bring a problem to his department. However, he said this City has had a long history of wrestling with this issue with a lot of

public hearings each time the ordinance was changed; most residents were very much against it. Usually how he becomes aware of semi-trucks parking in the City is by residents calling it in. Council Member Bangerter asked if he remembers when the ordinance was changed to allow residents to park their tractors on their property and the scare then was the whole City was going to fill up with semi-tractors and asked how many permits were currently issued at this time. Chief Eborn estimated there were maybe four. Due to that scare not being realized, Council Member Bangerter does not believe it will happen in the Commercial areas either. He would also like to table this and go over it during a work session to see what they can do to make it work. The temporary stay of the ordinance for Mr. Harder was discussed.

Council Member Bangerter made a motion to table this item until they can have work meeting to discuss Section 6-1-6: Restricted or Dangerous Vehicles and during the they are reviewing this, the Police Department stand down on this particular incident until they get this taken care of. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

- 5. Consider approval of 2017 Council meeting dates:** They discussed whether to hold the meetings of July 4 (Independence Day) and November 7 (Election Day) on another day or to just cancel them.

Council Member Wiggill made a motion to approve the 2017 Council meeting dates as presented, with cancelling the meetings of July 4 and November 7. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

- 6. Nominate 2017 Mayor Pro Tempore:** Mayor Macfarlane explained it is time to nominate a Mayor Pro Tempore for 2017 and expressed her appreciation for Council Member Bangerter holding that position in 2016.

Council Member Carlson made a motion to nominate Council Member Bangerter as Mayor Pro Tempore for 2017. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

Council Member Bangerter appreciates the Council for their support and stated it is convenient for him as he works in town, where others may not.

- 7. Consider approval of Council Member Assignments:** Mayor Macfarlane stated she would like Council Member Peterson to take over the assignments Trystal Peay had last year, which are the Senior program, Sunset Winterfest, the Veterans program and Youth City Council. She would like the rest of the Council Members to keep the assignments given to them last year.

Council Member Bangerter made a motion to approve Council Member Peterson's assignments of the Senior program, Sunset Winterfest, the Veterans program and Youth City Council and that all the other Council assignments remain the same as last year. Council

Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

8. **Mayor, Council and Department Head reports:** Council Member Bangerter met with a representative of a company possibly looking at the old Sierra R.V. property. If he get a meeting between them and Better City and it looks positive, he will give the Council more information. He has almost gotten the 1800 North grant application worked out, but wants to run it by Public Works Director Monroe and Mayor Macfarlane. He has been having someone he met during the Utah League of Cities and Towns Conference help him with it at no charge. He is concerned with the one Planning Chair Ellsworth is working on. He will talk with him and, if he is having trouble with it, he will put Chair Ellsworth in contact with the person who's been helping him. The two grants are from the Wasatch Front Regional Council. Council Member Bangerter is concerned with sidewalk snow removal at the Fire Department and wanted to clarify whose responsibility it is, whether it is the Fire Department or Public Works. He wondered about the bus the Fire Fighters used to train on still being in the parking lot. He is afraid kids could get into it and get hurt, with the liability being on the City. He would like any training being done on items like this to receive Council permission first, so that these types of issues can be discussed and resolved. He and Mayor Macfarlane discussed the issue of being allowed to speak without interruption when it is his or her turn.

Council Member Carlson thanked the Public Works employees for all their hard work during the snow storms. There will be a Mosquito Abatement board meeting this week so he'll be able to report more on that at the next meeting.

Council Member Peterson attended the Youth City Council meeting today. He has met with former Council Member Peay and received the book with all the information from her. It seems like the Youth City Council is in good hands and the Winterfest is moving along.

Treasurer/Office Manager Youngdell mentioned the email she had sent out to everyone about the Sexual Harassment Training and said due to a conflict with some people, a second training has been scheduled for 5:30 p.m. on January 17<sup>th</sup>, which is just before the Council meeting. She asked for one of the Council Members to call a work session for it, but it was decided a work meeting was not necessary because they would be attending a training for which no agenda notice is required. She reported that annual businesses license renewals are due December 31<sup>st</sup> and those not renewed by January 17<sup>th</sup> will have a 50% late fee added.

Police Chief Eborn advised a concern was brought to his attention with tow trucks being parked on Main Street in front of a business recently allowed to have a second towing business out of the same building, as well as in front of neighboring businesses. He believes this may have been addressed during the meeting for his conditional use business license, but it was not listed as a condition in the motion. He feels it is out of his hands regarding enforcement, but if the Council wants to readdress this with the owner, a letter could be sent to them. Mayor Macfarlane explained this is why she would like motions to be complete with every condition listed. Council Member Bangerter remembered asking him if he would be able to keep all of his business on his property and the owner said yes. Chief Eborn said

this is not posing problems; it was just brought to his attention. It was decided to have a nice letter with a copy of the Council discussion sent to them asking them to find a solution to this issue. Chief Eborn reported the Officers have knocked on a lot of doors asking people to shovel their sidewalks and there are a handful of residents they may have to issue citations to. They ended the year 2016 handling about 250 cases more than the prior year. He believes that was due to an increased push on ordinance violations throughout the City. He stated it is common for an outgoing Judge to withdraw all warrants with his name on them and Judge Jensen has done that. Now Judge Brower will review those cases and either reissue the warrants or send them to State Collections. The timing of the recall is kind of bad because this is the time of year when some warrants are collected via State tax return seizures and it won't happen this year.

Public Works Director Monroe reported the restrooms are almost completed and the final walk-through will be held this week. He advised that in the last 4 ½ years, the Public Works Department has lost 110 years worth of experience with Mickey Hennessee, Norm Noyes and Blaine Dickson retiring and Corey Wilson terminating his employment. He now has two employees who have between 8 and 10 years, with very few hours behind the wheel of a plow and three brand new employees. They are learning and doing the best they can and with the unusual amount of snow they've had lately it has been tough. He counted 84 cars parked on the street overnight that they had to plow around. A lot of this is due to the change finally passed in the on-street parking ordinance to allow parking overnight between March 15 and November 15 and the ordinance needs to be heavily enforced in the winter months. Police Chief Eborn said the court system is now paperless, so at 3 a.m. when an Office needs to cite a vehicle, it is an unoccupied car. That means an unsigned paper citation is left on the vehicle and if no one responds to it, it sits in limbo making it somewhat unenforceable. If they start knocking on doors to find out whose vehicle it is, the Council will receive a lot of complaints. They discussed solutions. Council Member Bangerter suggested holding a work session to readdress the parking issue and the rest of the Council agreed.

Asst. Fire Chief Whetton reported their Sub for Santa helped two families. Fortunately, they were given a large donation from Wal-Mart and Toys for Tots and after all that, they were able to take a large box of items to the homeless shelter. They are still waiting for the chassis to be built for the ambulance. They met with Dr. Hart, the Medical Control Doctor for Sunset, who agreed with Sunset adopting Davis County Protocol. Doing so has added five medications to the ambulance, so they have to do some training on them with Dr. Hart when he comes up during one of their regular trainings. Now they will be carrying the same equipment and medications as the ambulances in surrounding cities. He has sent out emails inviting the Council to their upcoming trainings and he asked them to let him know when they will be attending so the Department can make accommodations for them. When asked if they were going to add the EMS to their Fire Critique Policy, Asst. Chief Whetton said EMS would have its own policy. Council Member Bangerter mentioned it looked like the copy the Council received came from Syracuse City and was the 2014 Davis County Protocol and asked why they weren't working with Davis County. Asst. Chief Whetton said they were; they had contacted Deputy Archibald. He was working on adopting the policy last year and, because he is good friends with some people in Syracuse, he had contacted them

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for the policy. He was working on this before any of the issues came up and their 2014 Protocol is still the latest version. In response to Council Member Bangerter's concern with the bus in the parking lot, Asst. Chief Whetton said it will be towed away tomorrow or the next day. Council Member Bangerter reiterated that vehicles like that just need to be secured to avoid any liability issues. Mayor Macfarlane believes it is a good time to open the Fire Chief position because it is six months until the budget will be adopted. It was recommended by the Fire Chiefs to open the position outside, as well as in house.

Mayor Macfarlane mentioned she placed an article from the Hilltop Times in the Council Members' boxes. The issue of the Fire Department is not unique to Sunset; it happens all over. Next Thursday will be the first Court for Judge Brower and he wants things done a little differently than Judge Jensen, so the purchasing policy will need to be changed to include the Court Supervisor on signing the purchase orders and check requests under \$1,000. Until then, Mayor Macfarlane will be signing them. Her place as an Honorary Commander of the 388<sup>th</sup> Fighter Wing is going well. They also presented a couple of families with a Sub for Santa donation. She thanked everyone for their service to the City and their help. She asked the Council Members to address their assignments.

Council Member Wiggill made a motion to adjourn. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes.

The meeting adjourned at 8:45 p.m.

Approved – February 7, 2017

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder