

**Sunset City Corporation
City Council Minutes
January 16, 2018
Page 1 of 7**

Minutes of a regular meeting held January 16, 2018 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Madsen presiding.

REGULAR SESSION

Mayor and Council Present:

D. Howard Madsen	Mayor
Chad Bangerter	Council Member
Ricky Carlson	Council Member
Norm Noyes	Council Member
Nancy Greco Smalling	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

Others Present:

Dax Gurr	1691 N. Main
Spencer King	VK Electric
Ross Garrett	VK Electric
Joseph Cook	Sunset Lofts
James & Sandra Vaughan	Kiwanis Club
Bill Moore	Kiwanis Club
Terry Palmer	Kiwanis Club
Wanema Butcher	Janet D. LuJan
Laura Penman	Beverly Macfarlane
Neil Coker	Dawn Gilbert

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

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of January 2, 2018 as amended. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

Public Comments: Neil Coker stated his comments are regarding agenda item number 2 for VK Electric. He has no complaints about the building they want to put in as long as it is done in the location and to the size indicated in their plans. He is concerned they won't do it as they have in their plans, as they did on their existing building's plans. Their existing building's plans did not contain anything about a retaining wall, which they now have. Due to that wall, Mr. Coker said his backyard has been flooded several times. They moved the wall and put a drain in

to correct the problem, but it hasn't helped. He believes the wall was not done by a licensed contractor, engineer or designed by one. It has a gaping hole in the wall behind his home with a piece of plywood over it to keep the dirt out. They have dumped about three to four feet of dirt between their retaining wall and his chain link fence, which is pushing his fence in and when it rains or the snow melts dirt is washed into his yard. They put in a nice looking privacy fence, but he believes it is two feet below ground level. He is still looking at ways to have this corrected and he feels the City is mostly responsible. A while ago he received a phone message from prior Mayor Macfarlane stating she would ask a couple of Council Members to stop by and look at it from his perspective, but he has not seen any of them.

Mayor Madsen stated the Kiwanis Club was on the last agenda, but no one was able to come. They are here tonight to donate \$2,013.24 to purchase playground equipment that can be used by all children, including disabled children. Terry Palmer stated Mayor Macfarlane brought the Kiwanis Club a request from some Cub Scouts and it is their pleasure to donate the money to Sunset City for playground equipment. Sandy Vaughan explained the Kiwanis Club is 102 years old and has 6,000 members internationally. Their focus is to help build better communities to help the children of the world. Mayor Madsen and the Council Members thanked them for the donation.

- 1. Consider a request for a conditional use to have two residential rental units with office space for a business by remodeling the basement of his commercial building located at 1691 North Main:** Dax Gurr explained about 4 or 5 years ago a conditional use was granted for the basement of his commercial building to be a dwelling unit as long as the occupant also had a business. That tenant moved out and he would like to remodel it into two units. He appeared before the Planning Commission and they requested approval from the Council pending some minor requirements from the Public Works Director and Building Inspector. He asked for the Council's approval to move forward pending him meeting those requirements.

Council Member Bangerter reminded Mr. Gurr the Sunset City Ordinance requires that dwelling occupants have to be tied to a business in the building. It was clarified the dwelling occupant could have a business they can run out of their dwelling unit or also rent a unit upstairs to conduct their business. Council Member Bangerter also reminded Mr. Gurr that the Fire Department also had some concerns with window egress that would have to be fixed. He mentioned some of the items Public Works Director and Building Inspector would address.

Mayor Madsen mentioned the four paved parking stalls the Commissioners recommended and Public Works Director Monroe has mentioned there should also be a paved driveway to those stalls. Mr. Gurr stated he is looking at costs and he may not be able to complete the project with all the items required. Mayor Madsen also mentioned the Fire Department will require two exits from each apartment and the windows in the bedrooms have to meet code. Mr. Gurr agreed and said he wanted to get the approval process done so, if he can afford to do this project with all that is required, he can proceed.

Council Member Bangerter made a motion to approve this conditional use with all the conditions mentioned. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

2. **Consider an amendment to the conditional use business of VK Electric located at 383 West 1300 North by adding a storage building to the property:** Spencer King stated he would like to build a building behind the Dominion Energy structure for equipment storage. It will have lighting and gas, but no plumbing. It will look the same as the existing building with the same colors. When asked about storm water drainage, Mr. King replied it will tie into the existing drain plan and he sees no issues. Concerning the past issue brought up tonight, it was done by a contractor. VK Electric holds B100, S250 and S350 licenses; they are an electrical, HVAC and general contractor. They did submit an engineered storm water plan when they did their original conditional use permit. In accordance with his original condition, his parking lot has roto-milled asphalt with gravel on top.

Council Member Noyes advised he did go over to VK Electric about the drainage problem and took some pictures. He is still concerned about the drainage from the original building and doesn't know if he is ready to approve an added building until he is confident the drainage problem has been taken care of.

Mayor Madsen said he discussed this in Department Heads meeting and Public Works Director Monroe said Mr. King has put in a drain, but he is waiting for a big enough rainstorm to see if it is working.

Mr. King stated every neighbor along his border that he approached was given his contact information. No other neighbors have contacted him, so it seems they have not had a problem. He doesn't know how he can fix a problem that only one individual is having. Council Member Bangerter said he has worked with Mr. King and he sees this issue two ways. First, this is his business and livelihood; therefore he is not going to let that side slope and fall apart. It was done by contractors approved to do that type of work. He is trying to fix the problem. The City had an issue with the front of his property, but it looks good now with the fencing they installed. Mr. King said eventually he would like to asphalt the whole lot, but he is not at that point yet. Council Member Bangerter asked Mr. King to be mindful of debris from his property going into his neighbors' yards with the east wind.

Mayor Madsen said his building is nice and Council Member Carlson said the new building wouldn't affect the storm water issue.

Council Member Bangerter made a motion to approve the amendment to the conditional use business of VK Electric located at 383 West 1300 North by adding a storage building to the property as per the submitted site and building plans. Council Member Wiggill seconded the motion. The motion passed 4 to 1 with Council Members Bangerter, Carlson, Smalling and Wiggill voting yes and Council Member Noyes voting no.

3. **Presentation by Joseph Cook of a detailed conceptual plan for Sunset Lofts to be built at 2067 and 2103 North Main Street:** Joseph Cook explained he had appeared before the Planning Commission and found more parking stalls will be required. He presented his conceptual plan for two 5-story buildings fronting Main Street with 50 units per building and retail in the bottom floor facing Main Street. The existing entrance leading past the storage sheds and onto a residential street would still be used as the entrance to his two buildings, but he may gate the rear entrance so it isn't used as a thoroughfare. He is planning to have roughly 20 1-bedroom units, 20 2-bedroom units and 10 3-bedroom units. On the top floor there would be 4 penthouses and community rooftop space. They have 186 parking stalls for the two buildings and need 6 more. He is before the Council to get their feeling for this project before putting a lot of money into engineering and architectural drawings. The units will be built as if they will be owner occupied, but he may rent them. There will be two 800 square foot business units, the buildings will be sprinkled and have a really nice facade with a lot of windows.

Council Member Noyes brought up there will be major storm water and sanitary issues and a lot of money will be needed to make sure the systems are adequate. Council Member Bangerter said this is the future of Main Street so the system will need to be fixed unless they don't allow future development on Main. The Council discussed ways to obtain funding to fix it, whether it be the developers or the City.

Mr. Cook believes this project will draw other developers and reshape the face of Sunset. It is an advantageous area for builders with the zoning for multiple stories, the low impact fees and help of the City employees. When asked if he was concerned about the east wind that comes through Sunset with all the glass in the proposed buildings, Mr. Cook said everything will be engineered to meet wind loads. The Council gave their consensus to allow Mr. Cook to move forward with the project.

4. **Mark Sessions would like to discuss the Good Landlord Program with the Council:** Mr. Sessions was not present so the Council moved on to item number 5.
5. **Consider request from Police Department to purchase body armor:** Mayor Madsen explained \$4,750 is in the Police budget for Utah Communication Authority fees, but the State is now covering those fees. He has heard the Police Officers need bullet proof vests and he found that eight vests would cost \$5,940. There is a reimbursement Chief Eborn can apply for that is 50% of the cost of the vests. He would like the Council's permission to use the radio fee money plus a little more to purchase the vests.

Chief Eborn clarified he is not asking for additional money; just to reallocate funds already in the budget. He has registered with the Department of Justice for the vest program and would have to purchase vests they have approved. He would be eligible to submit for the reimbursement in April. He cannot guarantee they'll get the full 50% but he talked to a lady who said Sunset has never applied before so there's a good chance for the 50% reimbursement. When asked if the vests to be purchased are the type the officers want, Chief Eborn replied he is confident there is not an Officer in the Department who is not happy with

this proposal. Sunset is one of only a few departments who don't provide or require its officers to wear vests. The only reason the officers aren't required to wear vests is because they have to purchase their own and some cannot afford to buy them. The company he will purchase the vests from warranty them for eight years. He believes the vests are good for more years, but he would not want an officer to wear an expired vest just in case. The longevity of a vest varies depending on how much the wearer sweats because water can break down the fibers. Mandating vests was discussed by the Council and the Council would like Chief Eborn to keep funding for vests at the top of his budget and keep them mandatory.

Council Member Noyes made a motion to approve the reallocation of funds to purchase the bullet proof vests. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

- 6. Mayor, Council and Department Head Reports:** Council Member Wiggill reminded the employees of the City Christmas party on Friday.

Council Member Carlson reported he attended the North Davis Sewer District Board meeting and is looking forward to learning more about their operation. They are discussing getting a new garage for their equipment.

Council Member Smalling advised she attended the Mosquito Abatement District – Davis Board meeting and said they are working on getting the drone up and going. It's a large drone that will carry about 50 pounds. She explained a little about the mosquito testing process in their lab and said they are getting some good information from it. They go into schools and teach about what they do.

Council Member Bangerter said several of the Council Members have visited VK Electric and know of the issues. He believes Mr. King is trying his best to fix the problems. He is working on two grants; one was just turned in. It is for \$20,000 with a \$5,000 City match. The focus for the money is to work on the 1800 North project. The other one is for \$250,000 with a \$25,000 match and he would like to work on the park by the public works property with it. He has been working through a company on the grants. The small one didn't cost anything, but the large one will. He will keep the Council informed as it moves forward. Council Member Bangerter brought up donations for Fun Days. The manager at Smith's Food & Drug told him Smith's would love to donate for it, so Council Member Bangerter suggested to him that they donate the breakfast and put their banner up or they could donate \$5,000-\$10,000 and be the main sponsor for Fun Days. The manager didn't think that was a bad idea. Council Member Bangerter asked Public Works Director Monroe if he could work on that and he said that would be great. When asked if Council Member Noyes was over donation, he replied he was and knows they have to go through their corporate office and they are not as anxious to donate as the manager. Council Member Noyes approved Council Member Bangerter working on the donation. Mayor Madsen said, speaking of Fun Days, some cities do an electric light parade and it might be something to think about here.

Police Chief Eborn reported just west of Smith's retention pond is a vacant plot behind the home there and at some time the owner allowed his kids to dig an underground fort. The kids are now grown and someone found it and made an access to it from Smith's retention pond area. When it was brought to his attention he thought it could be a hazard, so it was brought to Smith's Manager's attention and it has been rectified. They backfilled the hole, put a barrier up and put locks and no trespassing signs on their gates.

Treasurer/Office Manager Youngdell advised the Office has been going through the business/rental license renewal process. Beginning tomorrow, any of them that have not renewed will be charged a 50% penalty fee. As of February 1st, it will go up to 75%.

Public Works Director Monroe reported there are about 245 water meters that are bad, so they are in the process of fixing or replacing them. He has hired two new employees and the part-time person was made full-time when Marcus Garcia left. He is hiring one more part-time person. He received three bids for the Sunset Room outside stairs. The bids have been opened and being reviewed by the Engineer, then he can tell them who was awarded the project. He asked the Council to think about if they want Winter Fest on Groundhog's Day or the following Saturday.

Mayor Madsen stated he has spent the last two weeks learning about the City and Chief Eborn gave him a tour of the City this afternoon. Tomorrow he will attend the Davis Council of Governments meeting tomorrow, there comes the Kiwanis meeting and the rest of the board meetings begin next week. He plans to attend the City Christmas party on Friday. He thanked the employees and Council for working with him. He wants to keep the lines of communication open.

Council Member Wiggill made a motion to go out of the regular session and reconvene in a work session at 8:00 p.m. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

WORK SESSION

- 1. Discussion about the portion of Santa Anna Street located east of 475 West at approximately 2500 North:** Mayor Madsen explained they are there to discuss their opinions and be on the same page before contacting the people concerned with this issue. The street was supposed to be deeded to David Holbrook, but it was never completed. Mr. Holbrook has used part of the street as a parking lot for his townhome. Now Joseph Cook owns a parcel on the south side of the road. To honor what a past Council had agreed on, they should deed the street to Mr. Holbrook, but that would leave Mr. Cook's property with no access. One solution could be to deed Mr. Holbrook the portion he uses as a parking lot and keep the rest so Mr. Cook could maintain access.

Council Member Bangerter stated they cannot give the property to Mr. Holbrook without maintaining a right-of-way for Mr. Cook. He has talked with Mr. Cook about this and he is okay with the City deeding the property to Mr. Holbrook because it would have to contain a

right-of-way. Council Member Bangerter is concerned if there is any City owned infrastructure in that road. Director Monroe advised Mr. Cook has already bored a line through there up to 475 West for water and the sewer is tied in through Mr. Holbrook's line that goes into Roy City. The Council got off subject for a bit and discussed the issue of Mr. Cook's townhouses that cannot put their sanitary sewer into Roy. After discussing the Santa Anna Street issue more, the Council felt they needed to honor the prior agreement with Mr. Holbrook and deed the street to Mr. Holbrook with the stipulation there is a legal right-of-way for Mr. Cook's property.

2. **Discuss an award system for employees:** Mayor Madsen explained the 'Employee of the Quarter' award is not being used very often, so he proposed an addition to that or a substitution for it. He would like approval from the Council to purchase some \$25.00 gift cards to Smith's Food & Drug that he could independently hand out to employees who have gone above and beyond their employment duties. This worked well when he was Mayor of Coalville and he only gave out four gift cards, very deserving, during his four years there. He would want a limit of one employee only being able to get 2 a year and he would report each one given to the Council. He would like to give the card to an employee in a short presentation at an employee meeting or something like that. Items discussed were: presenting it in Council meeting; in addition to the Mayor's program allowing a Department Head to do that in their own department; having some oversight by the Department Head when the Mayor gives the card; allowing a Department Head to tell the Mayor about some deed the Mayor might not have seen; people who do not like to be recognized at a Council meeting; and the Mayor making it more meaningful by going to the person instead of awarding it during any type of meeting. After everything was discussed, the Council agreed it would be the Mayor's program to do as he sees fit within budget.

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

The meeting adjourned at 8:35 p.m.

Approved – February 6, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder