

**Sunset City Corporation**  
**City Council Minutes**  
**January 17, 2017**  
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Minutes of a regular meeting held January 17, 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 |
| Norm Noyes         | 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:**

|              |                    |
|--------------|--------------------|
| Anthony Bott | Interim Fire Chief |
|--------------|--------------------|

**Others Present:**

|   |                                   |
|---|-----------------------------------|
| Mike Helm   | YESCO                             |
| Scott Stevenson   | Planning Commission               |
| Alana Griffith  | Sunset Youth City Council Advisor |
| Itol Hunt   | Sunset Youth City Council Advisor |
| Sunset Youth City Council Members Madison Nelson, Kimmie Pearson, Brooklyn Burst, Malinda Griffith and Hanna Griffith |                                   |
| Wanema Butcher  | Joyce King                        |
| Janet LuJan   | Wade Page                         |
| Martin Harder   | Karen Harder                      |

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

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

**Approval of Minutes:** Council Member Bangerter made a motion to approve the minutes of December 20, 2016 as amended. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

**Public Comments:** Wade Page, citizen of Clinton inquired about progress of the 1800 North project. Mayor Macfarlane advised that they didn't really know much about the project at this

time. She had contacted Paul Ray and he had no new information either. They are buying property along 1800 North, however there is no time line for now.

- 1. Trust Accountability Program (TAP) Award presentation:** Jason Watterson, from the Utah Local Governments Trust presented the TAP award. Sunset has been a member of the trust for 32 years. Several years ago they put together the Trust Accountability Program to help keep the community safe. Mr. Watterson advised automobile accidents are the major cause of loss and the second cause is sewer backup. The Trust looked at those things and came up with some ways to help with that. Every month the City receives a report that states the violations their drivers have on their record and whether or not they have a valid license. One of the things Treasurer/Office Manager Youngdell has put together is a safety committee that meets regularly to go over items that affect the employees' safety and make the community safer. \$1720.15, which is a portion of the liability premium, is being given back to the City. The City will also receive one and a half percent off of the workers compensation premium that can go up to four and half percent for every consecutive year the City is in the program. He advised that all of the Department Heads involved have done an excellent job. The award was then presented and Mayor Macfarlane thanked Treasurer Youngdell for putting it together.
- 2. Consider a conditional use for relocating a YESCO billboard sign within the property located at 2011 North Main Street:** Mike Helm from YESCO addressed the Council. This property is owned by Michael Pollock and is next to Don's Meats. The sign has been on the property for almost 40 years, sits on the property line and is a 4-pole I-beam structure. Over the years UDOT has changed the freeway by adding directional signs and the trees have grown up to obstruct the current sign and that makes it hard to keep the billboard sold. They have looked at keeping it on the property and moving it to the south so that it would be off of the property line and closer to the building on Mr. Pollock's property. It would be upgraded to a mono-pole sign and the height of the sign would be increased to 105 feet from grade so it could be seen by both directions of traffic. A pigeon pan would also be added which would take care of the bird droppings problem. Mr. Helm explained the system they used to make sure the size they were asking for was what they really needed. They tested from 105 feet to 95 feet and it was determined that 105 feet is what they need.

Commissioner Scott Stevenson advised the Commissioners were recommending the conditional use be granted with two conditions: 1) that the maximum height from grade remains at 105 feet, and 2) that any future redevelopment going from a static sign to a digital face sign would have to come back before the Planning Commission. Commissioner Stevenson advised the Regan sign at Maverick would be about 15 feet lower than the sign YESCO is requesting. At this time the height of the sign was impeding YESCO from being able to do business. The Commissioners felt, due to State statute, they could not stop them from improving their sign. Increasing the height puts it almost parallel to the other two signs.

Council Member Bangerter's biggest concern was by letting the sign be higher than the Reagan sign, that Reagan would be coming back in wanting to increase the height of their sign. Mr. Helm disagreed, saying the other two signs don't have some of the visible

impairment that their sign does, such as more I-15 directional signs impairing the view. Council Member Bangerter asked if the Planning Commission felt this was the best direction to go and Commissioner Stevenson said yes.

Council Member Noyes asked if an elevation grade was ever shot. Mr. Helm said the elevation was never shot, but the other two signs are at sidewalk level and the YESCO sign will be down in the back of the property at the footing on the Northwest corner of the auto shop. The elevation change will make the signs appear very similar in height.

Mayor Macfarlane read State Code 72-7-505: Sign Spacing, Location and Outside Advertising Corridor, paragraph 2B, which states that a sign may have the maximum height allowed by the municipality in the commercial zone or, if no maximum height is provided, the maximum height of the sign may be 65 feet above the ground or 25 feet above the main travelled way. Council Member Noyes advised that the main travelled way is I-15 and that would allow them to go 25 feet above it. Mr. Helm read section 72-7-510.5 which states if the State creates an obstruction, such as with a directional sign, the owner of the billboard may adjust the height or relocate it and the City shall make a special exception to its ordinance. The sign may go to the height required to make it visible. Since the sign was first placed, there have been several directional signs added to I-15 that partially obscure the sign. Commissioner Stevenson said the Planning Commission also discussed this code with Mr. Helm.

Council Member Bangerter made a motion to consider a conditional use for relocating a YESCO billboard sign within the property located at 2011 North Main Street with the conditions 1) that the maximum height is 105 feet, and 2) that any transition to a digital sign would be required to have a new conditional use application and building permit. Council Member Wiggill seconded the motion. Council Member Carlson advised the motion was made for 105 feet but it wasn't stated based on what. Council Member Bangerter amended his motion to state the maximum height is 105 feet from current grade based on their site plan. There was a little more discussion on how the height was determined. Council Member Wiggill stated he had seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Wiggill and Peterson voting yes.

- 3. Sunset Youth City Council Report:** The Sunset Youth Council Mayor was not present, so Youth Council Member Kennie Pearson reported for her. In December they made 65 cards for Rocky Mountain Care and donated 16 pairs of gloves and 4 bags of eyeglasses. Now they are selling Little Caesars punch cards for \$10 and the money will go towards the Logan Leadership Conference. They will be helping at Winter Fest by overseeing the snow painting, hockey and the ball toss and helping with donuts and hot chocolate. They are also planning a food drive. Council Members can join them March 10<sup>th</sup> in Logan for the dinner banquet. She asked the Council to let Advisor Griffith know if they want to attend. They will not be attending the Local Officials Day at the capital. Mayor Macfarlane said the City could advertise on the website for their Little Caesars punch cards. Youth Council will put up a flyer downstairs in the City building also. Council Member Carlson, Council Member Bangerter and Mayor Macfarlane will be attending the dinner banquet.

4. **Discuss crosswalk at Sunset Elementary School:** Scott Stevenson introduced Wade Page, Chair of the Sunset Elementary Community Council, and addressed the Council. His concern is that in more than one incident the kids have been in the crosswalk and the driver of the vehicle had to be forcibly reminded to stop. Mr. Stevenson feels there is a problem at this crosswalk and would like to see it addressed. He has provided three letters from citizens as well as the MUTCD manual. He would like to work with the City to fix the issues of speeding & distracted driving. He would like a raised crosswalk with a light and that it be moved to a different location. Council Member Bangerter pointed out that Mr. Stevenson lives across the street from the Elementary School and sees the problems at this crosswalk. He asked Mr. Page what his thoughts and concerns were. Mr. Page explained his youngest is in the 5<sup>th</sup> grade and the biggest concern he sees is the parents are anxious to get out of the parking lot and he feels that the crosswalk is in the wrong location in regards to the exit of the parking lot. He believes another entrance would help by making traffic enter one way and exit the other. Mr. Stevenson advised they don't have the answer and he has talked to the Principal and the Chief of Police. Council Member Bangerter said they have addressed this before, but now they have Prop. 1 money that could be used. He believes the solution is a center crosswalk. He also thinks flashing lights should be looked at and adding some sidewalks. Mr. Stevenson believes a lot of kids have not been taught at home about street safety and would like the officers to be more involved outside their vehicle.

Council Member Wiggill said there are no illuminated signs to warn people and Mr. Stevenson agreed. The street has been painted and it meets current standards of the MUTCD. The signs Council Member Wiggill is looking at would be illuminated/flashing lights. He believes there are probably problems at the other schools also and they should be looked at.

Council Member Noyes commented that he met with Mr. Stevenson one night and almost didn't see him in the crosswalk. When going northbound there are all of the trees and then the school. He thinks moving the crosswalk north would help. Council Member Noyes believes a committee including the Police Chief, Public Works Director, a Council Member and a citizen should be formed. Police Chief Eborn said the Principal should be included. Chief Eborn feels the entrance to the parking lot should be moved. Because it is a City street and not a State one they may have the ability to change the speed limit to 20 mph when kids are present, but he recommended the City Attorney be contacted. Chief Eborn believes he can find some time for the Officers to come and give some education to the kids walking across the street. Mr. Stevenson will take it back to the Community Council to see if they can come up with an assembly to go along with that. Mayor Macfarlane said the kids think the cars will just stop, so she thinks that kind of education would be a good thing. The timing is good with some money becoming available in July to put towards this. Council Member Peterson asked if the portable signs were still being used. Mr. Stevenson said that they were, but one of the signs had been hit and destroyed. He had contacted Public Works Director Monroe about the City possibly helping to replace it. Council Member Peterson asked if the safe routes for schools had ever been updated for Sunset Elementary. Mr. Stevenson has not seen it, but he would follow up on it.

Mayor Macfarlane asked if Mr. Stevenson would like to be on the committee and he said yes. Council Member Wiggill suggested that Council Member Noyes chair the committee since he has already been involved in it. Council Member Noyes and Council Member Wiggill will work together with the committee. Council Member Noyes will contact them when the meeting has been set. Mayor Macfarlane thanked Mr. Stevenson and Mr. Page for all of their hard work.

5. **Appoint Jonathan Ellsworth as the Planning Commission Chair and Brad Weller as the Alternate Chair:** Council Member Bangerter made the motion to appoint Jonathan Ellsworth as the Planning Commission Chair and Brad Weller as the Alternate Chair. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Wiggill and Peterson voting yes.
6. **Consider Ordinance 2017-01 amending subsection K of Section 1-6-3 of the Sunset City Code to revise provisions pertaining to Council Member participation in Council meetings:** Council Member Bangerter would like to clarify how much time is allowed for each member to speak. He would like the changes to reflect that a Council Member can speak only after be recognized by the Chair. The Chair can be the Mayor, Mayor Pro-tem or anyone that the Mayor appoints to be the Chair. In a work meeting it is not the same; any Council Member can speak freely with decorum and respect. Any Council Member will be allowed to speak uninterrupted until they are done and then recognized back to the Chair that they are done speaking. An exception would be that any member of the Council could call out a point of order if they feel that the point has been made and then the Mayor/Chair would ask them to yield the time back to the Council. With the majority of the council agreeing on the point of order, a one-minute closing statement would be made. Mayor Macfarlane would like to clarify who the Chair would be. Council Member Bangerter said he is okay with that. Recorder Hale said that in a different part of the ordinance it does state that the Mayor is the Chair. Mayor Macfarlane asked who would be the time keeper if a point of order is called. Council Member Bangerter said it would be Recorder Hale. When a point of order is called there had to be a majority vote from the Council to agree on the point of order being called or the time is given back to the Council Member.

Council Member Noyes made a motion to approve Ordinance 2017-01 amending subsection K of Section 1-6-3 of the Sunset City Code to revise provisions pertaining to Council Member participation as written, adding the clarification of Chair and/or Mayor. Council Member Wiggill seconded the motion. The motion passed unanimously with a roll call vote: Council Member Bangerter-yes, Council Member Wiggill-yes, Council Member Peterson-yes, Council Member Noyes-yes, Council Member Carlson-yes.

7. **Consider Ordinance 2017-02 amending Section 1-17-3 of the Sunset City Code to include the Court Supervisor in the Procurement Provisions Chapter:** Mayor Macfarlane advised that, because they made Christina a Court Supervisor and one of her duties is now to sign the purchase orders and check requests, the language in the ordinance needs to be changed. Council Member Bangerter said that the policy used to say that the Recorder was in charge of the purchase orders and now it says Office Manager and asked if

that was changing or just clarifying. Recorder Hale replied it was clarification and the only changes being made in the Ordinance was to add the Court Supervisor. Council Member Noyes explained the change was already made with the Court Supervisor so they are just making the ordinance match.

Council Member Noyes made a motion to approve the ordinance and Council Member Bangerter seconded the motion. Mayor Macfarlane called point of order and then said she had no questions with this section. Council Member Noyes re-stated a motion to approve Ordinance 2017-02 amending Section 1-17-3 of the Sunset City Code to include the Court Supervisor in the Procurement Provisions Chapter. Council Member Peterson seconded the motion. The motion passed unanimously with a roll call vote: Council Member Bangerter – yes, Council Member Noyes – yes, Council Member Carlson – yes, Council Member Peterson – yes, Council Member Wiggill – yes.

8. **Consider Resolution 2017-01 amending Section 12 – Purchase Orders and Section 13 – Purchasing Policy of the Sunset City Personnel Policies and Procedures:** Recorder Hale explained the option ‘A’ just has “Department Head” changed to “Department Head and/or Court Supervisor” in Section 12. She mentioned Purchase Orders and Purchasing Policy sections have some conflicts, so she had tried to make them the same in option ‘B’. She also suggested raising the thresholds for approvals and signings. Recorder Hale explained the changes she made and those changes were discussed, especially the increases in the amounts being considered and requiring sealed bids for vehicle purchases. Council Member Bangerter asked that the item be tabled until more information could be received. Recorder Hale asked that they approve option A with the Court Supervisor changes so Court Supervisor Arbogast could sign the purchase orders and check requests, then the Council could consider another amendment at a later time, once the research was done.

Council Member Bangerter made a motion to approve Resolution 2017-01, option A amending section 12. Council Member Noyes seconded the motion. The motion passed unanimously with a roll call vote: Council Member Bangerter – yes, Council Member Noyes – yes, Council Member Carlson – yes, Council Member Peterson – yes, Council Member Wiggill – yes.

9. **Discuss City Building marquee sign designs:** Council Member Bangerter had been working on this, but wasn’t happy with what he was getting back, so he asked Public Works Director Monroe to go over his ideas. He said Council Member Carlson had asked if they could build on top of the existing monument, so Council Member Noyes did some research and said there is an 8 inch metal pole that is in the middle of the monument. Wasatch Signs said they could possibly build on top of that, saving some of the cost. Council Member Bangerter doesn’t have a recommendation, but thinks the City should have a nice sign.

Director Monroe said that the two designs he has are LED and are from the company who did the original sign, so they could build on top of the existing monument as an upgrade. The sign Council Member Bangerter had proposed does have a better warranty and would be built out of state, but installed by a local company. Mayor Macfarlane was concerned about the

new sign fading like the current sign, but liked the sign Council Member Bangerter has proposed. Council Member Wiggill felt the lesser priced sign would be behind in technology soon, so it would be better to spend the money now for the upgraded sign. When asked about removing the old sign, Council Member Bangerter said he believes one of the designs he has will fit on the existing monument, which would then just be a remodel. Council Member Noyes noted the warranty may be less if it is a remodel versus having them come in and do the project to their specifications. Director Monroe agreed and did not think this is where they should cut corners. Council Member Bangerter mentioned, if the company will come out and look at the existing monument and they agree to the full warranty, then he believes they could still save some money. Council Member Bangerter and Director Monroe will finish working on this so the next time it comes before Council it will be as a proposal.

**10. Mayor, Council and Department Head reports:** Council Member Bangerter stated the Planning Commission is working on the General Plan, but he believes it needs to be more simplified. He will be presenting a couple of ideas for economic development in the next couple of months as he's working on some potential RDA/CDA projects. He took Commissioner Elliot and the new Economic Manager, Shawn Beus, through the City. He discussed the 1800 North project and the grants the City is working on. He is looking at making a day park where the current retention pond is by the Public Works building. If received, the grant would help replace the loss of 40 feet of Central Park that UDOT will be taking. The grants are due by February 19<sup>th</sup>. Davis County would like to make Sunset City the northern entrance to the County and make the interchange fancy like in Ogden. He has met with a couple of realtors about some potential development and will keep the Mayor and Council updated. The company who is helping write the Wasatch Front Regional Grant is requesting that they be selected if they grant is approved. Council Member Bangerter said recently there were some comments made on Facebook about his appearance. We all need to be judged from inside and not our outward appearance. He believes anything derogatory needs to be removed immediately as Facebook is for information only. He then addressed the Department Heads about employees coming to him with problems. He wants them to go through the right people first because coming to a Council Member may not keep it confidential. If something is reported to the Council Members that is possibly illegal, they have to report it.

Council Member Peterson reported the Winterfest flyer was out and they still didn't have a Sunset Sam. If anyone could help out it would be appreciated. The chili cook off will be inside and he believes there are about 16 entrants.

Council Member Wiggill said it's nice to find creative ways to spend the Proposition 1 money, such as for the school.

Mayor Macfarlane met with Eddy Cummings in regards to the UTA bus route and said they have added some routes. Another service that the City may be able to take advantage of in the future, is the voucher service where senior citizens can call a resident to shuttle them to where they need to go and then submit the voucher to UTA for reimbursement. Director Monroe clarified the voucher program is not in service yet. Mayor Macfarlane met with the

NUERA Board and the North Davis Sewer Board. She has attended court a couple of times and things appear to be going well and not as many court transports are happening.

Treasurer/Office Manager Youngdell reported that the W2's had been mailed today. There are still some business licenses that have not been renewed.

Public Works Director Monroe reported when he and Mayor Macfarlane met with Eddy from UTA, they were told they have some money to help with the sidewalks within a quarter mile of the bus stop. Public Works is trying to keep up with the pot holes and it costs \$800 per ton of mix to fill the pot holes. He walked through the restrooms with the Mayor and there is a punch list of things to be fixed in the spring.

Assistant Fire Chief Whetton reported they have begun the program for the smoke detectors. So far, they have installed them in six homes. Captain Adam Scott has put in his resignation, so there will be an opening for the Captain's position. The Davis County Sheriff's Deputies have been invited to Sunset's trainings, but have not shown up. Sunset Fire has not been invited to any trainings of Davis County's.

Council Member Carlson made a motion to adjourn to the work session after a five minute break. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

### **WORK SESSION**

- 1. Discussion of semi-tractor/trailer parking on commercial property:** Mayor Macfarlane stated that the Harders were present and had asked that a semi-tractor trailer be allowed to be parked on their property. Council Member Bangerter doesn't feel that this situation is going to become a problem throughout the City and believes there should be some limitations put in the ordinance, such as no hazardous materials. He would like to see a limited time period put in place on parking there. Council Member Wiggill agreed and said his concern is that the trailer might be parked there for several weeks. Martin Harder agreed that there shouldn't be an exorbitant amount of time given for the vehicle to be parked and believed the size of property should create some allowances.

Mayor Macfarlane read parking ordinance 6-1-3 and an excerpt of ordinance 6-1-6, then suggested they could amend some of it to accommodate Mr. Harder's request. She would like more language added that gives specifics such as time, etc. Mr. Harder said there are no current ordinances that address parking on commercial property. He would like to see a specific ordinance for commercial property so that it is the same across the board. Chief Eborn disagreed, saying the ordinance states semis are banned from parking throughout the whole City, except for the resident permit exception. He doesn't believe they have to separate between private and commercial; there just needs to be a condition added to the existing policy. Council Member Bangerter agreed with Chief Eborn, but believes they should add Mr. Harder's suggestions. He would like it to be one tractor trailer per property and that each commercial property would have to petition the Council so that each individual request could be reviewed as each one will have different issues that need to be addressed,

similar to a conditional use permit. Mayor Macfarlane would like the City Attorney to help with the ordinance. Council Member Peterson asked what they would be doing for the Harder's until this was decided. It was decided that the waiver granted to Mr. Harder will be left in place until this decision has been made.

2. **Discuss RFP for City Attorney:** Council will review this item and it will be addressed during a work meeting at a later time.
  
3. **Discuss a policy for implementing or ending Sunset City services or programs:** Council Member Bangerter said the reason for this item stems from when the Mayor shut down the ambulance. He said it took a majority vote from the Council to put the ambulance into service, so he believes there should be a majority vote to take it out of service as well. Mayor Macfarlane felt at the time that it was an emergency. Having reviewed everything she agreed with Council Member Bangerter and said in the future the Council would be contacted. Council Member Bangerter stated she has the authority to make that decision, but he reminded her that a majority vote is needed to begin or end a City service. Assistant Chief Whetton said when that decision is made, he believed the Department Head should be notified first. He doesn't think legally the service can be shut down like it was. There are many steps to close down the ambulance service, as well as notifying the other agencies that would be covering the service. When they are not able to staff their ambulance they contact the other agency that will be covering to make sure it can be covered. Mayor Macfarlane noted there have been several times when the ambulance has gone down without legal ramifications, and it was done this time as well. Council Member Carlson thought that only dispatch had to be notified when they had an apparatus out of service. Assistant Chief Whetton said that is true, but calling the other agencies who will be covering is a courtesy so that they can decide if they need to call in further staff to help cover.

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

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

The meeting adjourned at 10:25 p.m.

Approved – February 21, 2017

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder