

**Sunset City Corporation
City Council Minutes
February 6, 2018
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Minutes of a regular meeting held February 6, 2018 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Madsen presiding.

WORK 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:

Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director

Excused:

Susan R. Hale	Recorder
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The work session was called to order at 5:30 p.m. by Mayor Madsen and he began by stating he would like to schedule a closed session on the sale of City owned property. It was discussed and Tuesday, February 13, 2018 at 6:30 p.m. was decided. They then discussed item #2 first.

- 2. Update and discussion from meeting with UDOT Region 1 Director:** Mayor Madsen stated he had heard the 1800 North project would begin around 2023. However, he learned during the UDOT meeting that the money won't be funded until 2024/2025 for the I-15 Interchange. There are actually two projects; the I-15 interchange at 1800 North and the widening of 1800 North. Region 1 Director, Chris Peterson, told the attendees that 1800 North would have to wait until the Interchange was built before getting funded. Mayor Madsen met yesterday with Bret Slater, who is the Project Manager for both of those projects and a new one to extend the HOV lane from Layton to Riverdale. Mr. Slater told him, although 1800 North is not funded yet, he hopes they will find the money for it by the time they begin the Interchange so they can do it then also. There has already been a study done that found 1800 North is not wide enough to accommodate a 4-lane Interchange. When widening begins the homes on the south side will be taken out and there won't be any driveways emptying onto 1800 North from that side.

He advised the Davis County School District is looking at building a new Sunset Jr. High School. The Superintendent said they want to build it behind the existing Jr. High and face it to the north with 1800 North being their entrance/exit. They wanted to work a deal with Sunset regarding Central Park so they could take it for entrance onto 1800 North. When the new building was finished, they would tear down the old one and give that land to Sunset for a park. Mayor Madsen doesn't think UDOT will allow them to have access onto 1800 North for their buses. He also believes the Council would not want to give up Central Park. Mayor

Madsen told them about UDOT's plan for 1800 North and the agreement Sunset has with the LDS Church to keep up the baseball diamonds. The Superintendent said they were not aware of it and said that alters their plans. Mayor Madsen told the Council about this so they would be aware of it.

Mayor Madsen asked for any questions or comments. Council Member Bangerter said this project has sped up and slowed down over the years depending on what the economy is doing. Therefore, the timeframe given could change. He believes if a major developer wants to get started on Falcon Hill, UDOT will move on the 1800 North project. Mayor Madsen agreed. Council Member Carlson believes if Falcon Hill would have been built up as fast as they thought it was going to, the 1800 North project would already be done. Council Member Bangerter said the Council needs to prepare and plan as well as they can for the items concerning the project, such as infrastructure and what funds they will have to do what is needed. In 2019 the City Building will be paid off, so they will have that money to help. Mayor Madsen agreed they need to be proactive because the project will happen sooner or later.

1. **Discuss impact fees:** Council Member Bangerter stated impact fees will be needed to offset the cost of upgrading infrastructure to handle the added use of storm water and sanitary sewer systems from new or re-development. Before imposing an impact fee, Sunset would have to prepare an impact fee facilities plan to determine the public facilities required to serve development resulting from new development activity and an impact fee analysis. This issue was brought up when a developer came in with a proposal to build on Main Street. In order for that to happen, the storm water system would need to be upgraded through the City. If they want development to happen on Main Street, they need to prepare the City for it because the existing system will not handle development. It is probably not fair to have the first development pay for the City's system upgrade and the next development only for its portion. They want businesses to come to the City but the City infrastructure can't handle the new development because the infrastructure was set up to service a bedroom community without big businesses. He believes it is the City's responsibility to prepare the infrastructure and then later get paid back by the impact fees from development.

Council Member Noyes believes they need to make the commercial developer do a study that will show the impact their development alone will have on the City's infrastructure and then the City can figure out what the 2nd, 3rd, etc. developer will add to the system and upgrade the system accordingly so they are prepared. He also believes what develops in Sunset will impact Clinton City's systems. Council Member Bangerter said any big developer should know they have to present their impact calculations to the City. It's not the City's job to do that. Council Member Noyes believes they should not move one step forward on the current development proposal until they have those calculations.

Public Works Director Monroe said he has a preliminary estimate for upgrading the storm water system because this development's system would run down to the detention pond behind the City shops. To run a 24" storm water line up to Main is would be about \$270,000.

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A sewer line would be about \$400,000. The storm water could eventually impact Clinton City. One good thing the Department of Environmental Quality (DEQ) did is to now require all developments to keep their storm water on site and only allow 0.2 CFS per acre to run off their site. Therefore the developers will have to have a detention pond or an underground detention system, which benefits the cities. However, cities have to take care of all the sanitary sewer. It was said most cities have written rules as to all the items a developer has to provide before their proposal will be considered. Unfortunately Sunset does not have any. The process for obtaining all the information from a developer was discussed and it was decided to draft a procedure to be approved at the next Council meeting.

State Law requires a professional survey be conducted before impact fees can be assessed. The recommendation from the City's Engineer is that they survey include everything including user fees for water, sewer, etc. to make sure the City is charging the proper amounts. An RFP will need to be done to obtain a company to perform the survey. Public Works Director Monroe stated he and Treasurer/Office Manager Youngdell will work on that.

Council Member Noyes made a motion to close the work session and go into the regular session after a short break. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

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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:

Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director

Excused:

Susan R. Hale	Recorder
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Others Present:

Paul Ray	Utah Representative
Wanema Butcher	Janet D. LuJan
Michael Nance	

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

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of January 16, 2018 as presented. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

Approval of Vouchers: Council Member Bangerter made a motion to approve the vouchers for Davis County Government and North Davis Fire District totaling \$31,884.07. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

Public Comments: Mike Nance stated his concern about Sunset Auto Body's retaining wall, which is at the rear of his home. He likes the wall, but the owner has put three to four feet of dirt in his lot to park on and when he backs vehicles up to the wall Mr. Nance can see the vehicle over the wall and he can see people when they walk by. He remembers coming to a Council meeting years ago and that he would have to have a 6 foot fence or barrier. When Mr. Nance talked with the owner of Sunset Auto Body, the owner said the 6 feet had to be on the resident's side, not his own. Mr. Nance now has no privacy and he feels it is a safety hazard because if a vehicle is backed into the wall too fast the top block could come down into his yard. The blocks

are two feet in height. When Mayor Madsen asked how they can address this issue, Treasurer/Office Manager Youngdell said they can review the ordinance and send a letter.

1. **Legislative update by Representative Paul Ray:** Representative Ray said the Legislature has put the budget together and they are working on a lot of different issues. He will be meeting with UDOT at the end of the week to keep pushing the 1800 North project. He will be meeting with Rob Bishop's office regarding getting the Army Railroad Depot moved in order to do the Interchange. He asked the Council if they had any questions or concerns he could help them with at the State level.

When the medical marijuana issue was raised, Rep. Ray advised they have talked about that during every meeting. There is a citizen initiative, which goes a lot further than medical use. During the last legislative session, they passed a bill allowing the University of Utah to do research on medical use of marijuana. A lot of things are unknown, such as how it is dosed, for what illnesses it is used for, how can the strength and/or strain of it be guaranteed, etc. Before they move forward with medicinal use, they want to do the research on those items. There are two bills in committee that he voted against. One allowed people who are at the end of life try it. The problem with that bill is that it was substituted in committee to a version that said any physician can prescribe it for medical use, when it was originally for research only by research hospitals. That one passed committee anyway, so he and the sponsor will work to amend it on the floor to tie it back to research trials. The second one set up guidelines on how to use it. However, given the first bill, this one would also make it so any physician could prescribe it. They will try to fix it so it ties back to research as intended. The Federal Government has been leaving the states alone if they are willing to do research on it. However, because dispensing marijuana has always been illegal, the DEA could shut down the dispensaries in states that have made it legal to purchase. He mentioned the Obama administration turned a blind eye, but the Trump administration has said they would not. He fears the DEA will eventually raid those dispensaries and arrest people. That is why he has voted the way he has. There is a concern for people who have cancer and are told marijuana will slow down cancer and help with the pain. Rep. Ray said he has spoken with many cancer researchers and they all have said there is no evidence that marijuana slows the growth of cancer. There is a good argument for the pain side of it and that is why the Huntsman Cancer Center and other institutions are researching this. He trusts what they will find because they are truly patient and outcome driven vs. political.

When asked about the 1800 North project, Rep. Ray said he is trying to push the timetable on it. He stated they have a pretty good base in Davis County no with Rep. Schultz who is now the Vice-Chair of Executive Appropriations, Senator Stevenson and Brad Wilson from Kaysville who will probably become the Speaker next year. He believes they can affect moving some of Davis County projects up. He and Rep. Schultz meet regularly with UDOT and talk about the 1800 North Interchange and 2000 West. When money became available from another project that came in under budget, they appropriated \$1 million from it and did the mile long project on Highway 193. They are trying to do that for 1800 North.

When asked if there are any bills the Council could help with, Rep. Ray said there were over 1,300 bills filed for the 45 day session. Last year they passed a record 535 bills and they are on track to exceed that this year. A lot of them haven't come out at this time, so he doesn't know what they are yet. They will probably see some that impact municipalities, so he asked them to get with him on those and gave them his and his intern's cell phone numbers.

When asked about the Falcon Hill development, Rep. Ray stated they are in the process of building software buildings. He has been told they'll be back in another year or so with some other projects to further economic development in the area. HAFB is developing as well. The F-35 program is going well with them being testing and made operational here. A lot of jobs will be coming from the added support for that program.

When asked about the State budget, Rep. Ray advised the State has about a \$275 million surplus this year. Right now the budget is about \$14 billion and they will probably see a 3% to 4% increase, due to the surplus. He chairs the Social Services budget, which is \$5.6 billion of the \$14 billion budget. Last year the State budget increased about 4.5%. The typical growth on a state social services budget is about 10% to 14%. Social Services has an approximate 123 page budget and when he took over he put three performance measures on every line item, so the agencies have to come in and say why they are not performing to those measures. He found many of the agencies had sandbagged their budgets, so he was able to cut 2.6% out of those budgets to reallocate the money to the agencies that are working well. For example, they have to fund Medicaid growth every year, so instead of increasing the budget, he was able to reallocate some of those funds to Medicaid.

There is a ballot initiative circulating for Medicaid expansion. People don't realize how that would totally destroy the State's budget. Everyone hears about the 'free' money for Medicaid, but the State has to pay money for the 'free' money. Right now, Utah Medicaid covers children and families up to 100% of the poverty line. The expansion would require paying up to 138% of the poverty line and cover everyone, even if they are able-bodied working people. The State would have to pay 10% of that, so if they had done the expansion three years ago this year he would have to find \$584 million in the Social Services budget. Medicaid was originally developed for the elderly and physically or mentally disabled people. In order to pay for able-bodied working people's Medicaid insurance, he would have to cut money from disabled children, mental health and elderly programs to pay for it. They may be able to apply for some Federal Funds with their 100% of poverty limit and requiring able-bodied people to work, so there may be a partial expansion for substance abuse, etc.

The Legislature has put a little over \$1 billion towards education over the last four years, including what they will put in this year. There are a lot of students in Utah with a small tax base. The State is last in the nation for funding per pupil, but in the top three for percentage of budget that goes to education.

When asked his opinion on the size of State government, Rep. Ray said he believes State government is too big. When he was putting together the Operation Rio Grande for the Speaker, he found some agencies were doing the same work so they are looking at

consolidating and shrinking some of the administrative costs. He told of a couple incidents that has taken place in the Rio Grande area and explained the Rio Grande Program. People can now go to the Rio Grande and feel safe there. They will still be working the program for two years getting people into services and finding them jobs. It cost \$67 million to do this, but the cost wasn't added to the budget, it was taken from other substance abuse budgets that weren't using the money properly.

When asked about municipalities receiving money for roads, Rep. Ray stated it is mostly based on population. They are discussing a usage based portion and really have to re-evaluate the entire transportation budget on how they collect and disburse funds because things have changed since the inception of the calculation. It probably won't be completely done this year, but they are working on it. They are redefining UTA as part of the transportation budget instead of keeping it separate from roads. They plan to change from a 16 member UTA Board to a three member Commission appointed by the Governor at will. There will also be an advisory board under them. Only 10% of UTA's revenue comes from riders. This overhaul will be done over the next two years.

He will come back after the Legislative Session to give the Council an update.

- 2. Consider Resolution 2018-06 approving amendment No. 2 to the Interlocal Cooperation Agreement for Animal Services:** Mayor Madsen asked stated this amendment increases the City's cost by \$4,436.66 or 16.6% from last year for a total of \$31,153.92. The Animal Control Director and Field Supervisor were unable to attend this meeting, so Mayor Madsen asked the Council if they would like to discuss this or wait until the representatives could attend.

Council Member Bangerter asked to discuss it a little and then table the item until they can be here. He said the whole objective to going with an outside agency is to save the tax payer's money. When the City first contracted with Davis County for Animal Control Services the cost was well under \$20,000 and now it is over \$30,000. Rhett Nicks is the new Animal Control Director. Tracy Rodham is not up there anymore either. Council Member Bangerter called Commissioner Millburn to find out why and he told him to contact Commissioner Elliott, who he was not able to get hold of. Council Member Bangerter is concerned about the cost, but does not believe the City can provide its own services for that cost. He is also concerned about the amount of pets in Sunset because statistics say lower income households have more pets than higher income households. In a disaster, people don't want to leave their pets and, unless the City has a holding place for the animals until Animal Control retrieves them, it is hard on a Citizens Emergency Response Team (CERT) to get the people to leave their homes. He wants to find out from Animal Control what they are doing for Sunset to help in that type of situation. Mayor Madsen supported the suggestion to table this item until they can come answer questions. Council Member Bangerter recommended Mayor Madsen contact Commissioner Elliott to find out what is going on and where the money goes.

Council Member Carlson commented Animal Control used to be directly under the Sheriff's Department, but for some reason the Commissioners removed it from there. He is concerned because this cost is not even 24 hour service. He feels the service should include at least an on-call person for weekends, etc.

Council Member Noyes stated this cost has now been added to the residents' utility bill, along with the dispatch fees, so the fee may have to go up to cover the increase. Council Member Wiggill agreed and said the residents will want an explanation for the increase.

Council Member Wiggill made a motion to table this item until the representatives can be present. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

- 3. Mayor, Council and Department Head Reports:** Council Member Bangerter reported the contact number for Commissioner Randy Elliott is 801-372-9343. Regarding the update they just received from Representative Paul Ray, he believes it is important for them to call him at least a couple times a year so he will know how important the Council feels the 1800 North project, HAFB, etc. is to them. He is concerned when they are sending emails to each other, that not everyone who should be included, are being included. He believes all the Department Heads should be included in emails, unless it is only meant to be for the Council and not the Department Heads. The recent emails about the Sunset Sam Winter Fest are a good example because Treasurer/Office Manager Youngdell was not included until the end and she was more than willing to help out. He encouraged them to make sure to hit 'reply all' when answering unless they mean to replay to only one person. He said the Sunset Sam Winter Fest was a great success. He commended Council Member Smalling, the Youth City Council, the Council Members, Mayor and employees who participated. It was nice having the news media there, also. He reported the Planning Commission is working on a zone change. Mayor Madsen publicly thanked Council Member Bangerter for coming as Sunset Sam and said he did an excellent job.

Council Member Smalling thanked the Public Works employees for all of their help. She was very excited about how many people attended. The media makes her feel nervous and although she tried, she didn't do a good job of avoiding them. The chili contest went well, also. She didn't have anything to report on mosquito abatement as the meeting is later this week.

Council Member Carlson stated his appreciation for Representative Ray coming to the Council meeting to speak with them.

Council Member Wiggill reported he attended a North Davis Fire District Control Board meeting and said it was quite interesting. He and Mayor Madsen were sworn in as Board Member and they also swore in the Treasurer, Deputy Treasurer and District Clerk. The Clerk is Misty Rogers and she has been a great help to him and Mayor Madsen. They toured the NDFD facilities and stated his appreciation for their service. He will keep the Council apprised of what they learn.

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Police Chief Eborn advised the new patrol car is here and in service. It broke down after one night and is now at Larry Miller Dodge being looked at. He believes it is a computer module that will be covered under the warranty. This morning an officer was patrolling through Maverik's parking lot and a patron backed into his car. There were no injuries and they have a bid on the car of approximately \$1,900. He has talked with a representative of the bullet proof vest company and the rep. will meet with the officers soon to take their measurements.

Public Works Director Monroe stated this spring like weather has saved a lot of wear and tear on the snow plows. They have done the maintenance on all the mowers so they're ready for spring. CK Construction was awarded the bid for the outside stair case leading from the Sunset Room. They have ordered the stringer and are waiting for it to be built, then they will take about one to one and a half weeks for installation. He has ordered some picnic tables to replace the old wood-rotted ones. They are busy replacing water meters and registers. When asked about re-allocating the money not used for sand & salt this year, Director Monroe said he wanted to roll it over into next year's budget in case it's a bad winter like last year when they had to increase their budget a lot to handle it. However, they can re-allocated it for something else in streets if needed.

Treasurer/Office Manager Youngdell reminded the Council of the mid-year ULCT conference held in St. George from April 25th through the 27th this year and asked them to let her know if they plan to attend or not. With Public Works changing out a lot of water meters, it has kept Customer Service Clerk Weatherston busy. She has sent in the TAP application, which is an award for safety through the City's insurance company. If received, the City will get a check and cost savings on some of the City's premiums.

Mayor Madsen stated Council Member Wiggill already reported on the NDFD Board meeting and added they are working on their budget and trying to increase the firefighter's pay, but that is still not decided. He advised there is money in the budget for his phone reimbursement, but he does not need it so he asked her to take that money to purchase shirts and maybe jackets for the Council. The Wasatch Integrated System Board is also working on their budget. He is amazed at what the process is for waste and how they are trying to save costs. The burn plant is torn down and they are working on a new sorting facility for recyclables. Very little garbage makes it into the landfill. With County of Governments (COG), he is on a committee for the Davis Fund, which loans money to businesses on a match basis and awards some grants.

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

The meeting adjourned at 7:45 p.m.
Approved – February 20, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder