

**Sunset City Corporation  
City Council Minutes  
February 20, 2018  
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Minutes of a regular meeting held February 20, 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
Brett Jamison	Police Sgt.
Ken Warnshuis	Police Officer

**Others Present:**

Jeff Ambrose, CPA	Christensen, Palmer & Ambrose
Bryan Smith	Davis County Animal Control
Rhett Nicks	Davis County Animal Control
Dian McGuire	UDOT
Brett Slater	UDOT
Roger Timmerman	UTOPIA Fiber
Marnie Hancock	Bark in the Park
Joslyn Castillo	Bark in the Park
Alana Griffith	Youth City Council Advisor
Hannah Griffith	Youth City Mayor
Beverly Macfarlane	Dawn Gilbert
Bruce Young	Arlo Doyle
Laura Penman	Tyler Argyle
Robert Smalling	

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

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

**Approval of Minutes:** Council Member Bangerter made a motion to approve the minutes of February 6, 2018 and February 13, 2018 as presented. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

**Public Comments:** Mayor Madsen advised the item on the agenda about the sale of a City building is simply the sale of an old building that is unusable and costing the City money in utilities, insurance, etc. to keep. In no way does this reflect the Council's intentions toward the future of the Fire Department. UDOT has advised them that the building is on the list to be purchased either by volunteer sale or by imminent domain.

Beverly Macfarlane wanted to clarify that in January of 2017, she had the building appraised because it was unfit for the firefighters to reside there. If the referendum passes, they would have to build a new building anyway. She believes UDOT gave the City a fair offer for the building.

Bruce Young wanted to introduce himself because he will be running for Davis County Commissioner. He is trying to visit all the cities. Having served two terms on the Clearfield City Council, he knows how important it is for the County to work well with the cities. He believes it is important to learn how each City does business and try to get to know them.

1. **Sunset Youth City Council Report:** Youth Mayor Griffith reported the Youth Council helped with the City's Winter Fest on February 2<sup>nd</sup>. On the 22<sup>nd</sup> and 23<sup>rd</sup> at 6:00 p.m., they will be doing a laser tag fundraiser at Laser Zone. March 8<sup>th</sup> through the 10<sup>th</sup> they will be attending the Leadership Conference at Utah State University in Logan. As the Youth City Council, they want to learn more how the City runs, so they will be asking Council Members and Department Heads to talk to them during their meetings. They will be helping the Fire Department with the Easter Egg Hunt on March 31<sup>st</sup>. Youth Council Member Furniss advised Youth City Council Advisor Itol Hunt has decided to step down from that position, but will still help with some activities. They have chosen a new Co-Advisor, Peggy Stevenson.

2. **Presentation of Fiscal Year 2017 Annual Financial Report by Independent Auditor:** Jeff Ambrose acknowledged all the help he received from Treasurer/Office Manager Youngdell, Recorder Hale and other employees. He explained his firm writes most of the other entities' reports, but Sunset's report was prepared by Recorder Hale, which saves some cost to the City. Mr. Ambrose began with the Independent Auditor's report, where they express an opinion on the financial statements. Their opinion is an unqualified or clean opinion, which is the highest level they can render.

He reported on the Governmental Activities in which the cash and cash equivalents decreased about \$304,000 due in part to some fairly large capital projects completed during the year. As a result building assets increased about \$340,000. Overall debt decreased, total assets increased and revenues and expenses both increased causing the City's net position to increase by about \$371,000, which is about \$41,000 more than the prior year. The Balance Sheet shows the General Fund cash decreased about \$172,000 and liabilities decreased about \$103,000, therefore the fund balance decreased about \$25,000 from the prior year. He pointed out the State Code requires the fund balance be limited to 25% of revenues for the year and Sunset's fund balance is still a little bit over the 25%. Taxes went down about \$24,000, Intergovernmental revenues increased about \$25,000 and charges for services and

finances were both down for the year. As a result of that total revenues were down about \$64,000. Total expenditures were down about \$110,000 due to paying off some leases the prior year.

The Business-type fund is for water, sewer, garbage and storm water. Cash increased about \$175,000 due to some rate increases. This fund is very capital intensive because there is a lot of money invested in water and sewer lines, meters, etc. so it is good to have good working capital balances, so the City doesn't have to borrow money to finance projects. Total liabilities increased about \$14,000 and total assets increased about \$151,000. Revenues increased about \$139,000 and expenses decreased about \$35,000. The net position increased by about \$153,000, where last year it was a \$50,000 loss, so this year is about \$200,000 more than last year.

The Fiduciary Fund is money the City is holding in a trust and the only change is interest earnings.

There were no departments over budget and that shows the Council and Department Heads have kept a good eye on expenditures. The only finding Mr. Ambrose had was the fund balance of the City's general fund exceeds 25% of the general fund revenues. Out of all the possible findings, that is not a bad one to have.

3. **Consider Resolution 2018-06 approving amendment No. 2 to the Interlocal Cooperation Agreement for Animal Services:** Davis County Animal Control Director, Brett Nicks, explained the average calls for Sunset over the last two years was 355 and the average was 306 for the previous two years. West Bountiful has roughly the same population as Sunset and it had 145 calls. Fruit Heights was 148. Sunset had almost as many calls as Centerville, which has almost twice the population. Animal Control also had 221 animals from Sunset, where North Salt Lake only had 211 and that City is twice the size of Sunset. In 2015 the County was paying 70% of the Animal Control budget and in 2016 it changed to 50% and the municipalities paid the other 50% instead of the previous 30%. To reduce costs, he suggested Sunset only call the Animal Control when there is a need, like West Bountiful does. West Bountiful tries to take care of most items itself and only call the Animal Control when necessary.

Council Member Bangertter stated this cost is passed on to the residents. After doing some research, the only thing he can suggest is education. If 221 animals are being taken from Sunset and only 15 citations were issued, to him that means they're really not educating the residents. He does not know how to go about educating the residents, except to ask Animal Control to bump up the citations, so the residents are aware they have to take care of their animals. Director Nicks reported there were only 15 citations, but there were about 55 notices of violation. Citations are given for more severe items such as not following quarantine, dangerous dog, running at large (after several times), etc. Notice of Violations is a civil fine on for almost everything else. As for education, they are working on that and spay/neuter for the near future. He has only been the Director for 44 days and he is working on it. If the residents can just get the dog back to its owner most of the time, it would help.

Council Member Bangerter said he also looked into possibly contracting with another entity for Animal Control, but doesn't think that is the answer. They need to work to keep most of the calls taken care of within the City. He also brought up the issue of taking care of the animals in a disaster. The City currently has no way to take care of animals until Animal Control can come get them. Director Nicks said they are also looking at that issue.

Mayor Madsen proposed putting this issue in a work session for discussion. It was also suggested maybe a Sunset Council Member could sit on the Animal Control Committee.

Council Member Wiggill made a motion to approve Resolution 2018-06 approving amendment No. 2 to the interlocal cooperation agreement for Animal Services. Council Member Noyes seconded the motion. The motion passed unanimously by a roll-call vote. Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes.

4. **Request for Permission to allow dogs in Central Park during a fundraising event named “Bark in the Park”:** Marnie Hancock, co-founder of a non-profit group named ‘Justice for Madi and Tylor’. They would like to hold an event called ‘Bark in the Park’ on May 12, 2018 at Central Park in Sunset. On June 30, 2016, Madi Haan and Tyler Christianson were killed when they were intentionally rear-ended at the corner of 6000 South 3500 West in Roy. Tyler was her step-son. She and Joslyn Castillo, Madi’s mother, wanted to honor the memories of their children and give back to the community. Madi and Tyler both loved animals and music and Tyler loved fast cars, so they started ‘Bark in the Park’. With the help of loved ones, the community, business owners’ donations, along with ‘Car Shows for Paws’ this will be their second event. She met with Council Member Bangerter, who told her how great it would be for her to hold the event in Central Park. It seemed like a really good fit. All the funds, dog food and supplies they raise go to local rescues and shelters. This year they chose ‘Black Dog Walk’ as their rescue and they teamed up with RH Canine, who raises money to donate canine vests for canine units locally and out of state. They also offer private and police training and have worked with Weber and Davis Canine Units. This event is also about educating people on rescues and what it means to be a responsible pet owner. If people are given the proper tools and education it can help keep animals out of the shelters.

Sunset City Ordinance does not allow dogs in Central Park, so Mrs. Hancock and Mrs. Castillo are here to ask the Council if they could waive the ordinance for one day to allow them to hold the event in the park. They will have baggies, containers and volunteers to keep the park clean of dog waste. When she met with the Police Department, they were happy with their solution for dog waste. Last year their event was a great success and had positive media coverage.

Council Member Noyes made a motion to waive the ordinance banning dogs in Central Park for the event. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Smalling, Carlson, Wiggill and Noyes voting yes.

Council Member Bangerter asked Animal Control Director Nicks if this would be an opportunity to do some education for the community. Director Nicks said they would be willing to help in the event and they have a trailer to house some shelter animals they can bring. Mrs. Hancock and Director Nicks agreed to contact each other. Council Member Bangerter said the reason he likes events like this to be held in Sunset is because it brings people to our community, where they may stop in at Maverik, 7-11, Smith's, etc.

5. **Consider Resolution 2018-07 approving the sale of the old city-owned building located at 85 West 1800 North to the Utah Department of Transportation:** Mayor Madsen stated the sale of this property in no way reflects the Council's intentions toward the Sunset Fire Department. They are simply disposing of a City-owned building that is considered a safety hazard and which is no longer usable. UDOT has advised the City this property is on the list to be purchased either by sale or eminent domain. It is the decision of the Council that the proceeds of that sale will be put in a fund to save for structures and upgrades to infrastructure regarding the 1800 North Project proposed by UDOT. Mayor Madsen advised there was a representative from UDOT present to answer any questions the Council may have. There were none.

Council Member Carlson made a motion to approve Resolution 2018-07. Council Member Bangerter seconded the motion. The motion passed unanimously by a roll-call vote. Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Smalling – yes, Council Member Bangerter – yes.

6. **Consider Resolution 2018-08 authorizing the appointment of temporary Justice Court Judges:** Mayor Madsen explained Clearfield's Judge had to recuse himself from a case and another Judge had to fill in. Someone pointed out that Judge had never been approved to represent that District. Therefore this resolution will provide Judge Brower a list of Judges certified for Sunset he can call on to fill in for him when necessary.

Council Member Bangerter made a motion to approve Resolution 2018-08. Council Member Smalling seconded the motion. The motion passed unanimously by a roll-call vote. Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes.

7. **Consider Resolution 2018-09 approving an interlocal agreement between Clinton City and Sunset City regarding a Clinton City water line connection to Weber Basin Water Conservancy District:** Mayor Madsen explained this agreement would require Clinton to abide by Sunset ordinances and repair the roads they use to run a water line from Clinton to Weber Basin.

Public Works Director Monroe stated it is his understanding Clinton City will have a water tank, so this line will run from Main Street down 2400 North to 475 West, run along 475 West to 2300 North and run down 2300 North into Clinton. In answer to some questions, the City Engineer has reviewed and approved the plan and agreement, the City Attorney has also approved the agreement, Weber Basin is confident they can continue to supply Sunset with

the same amount of water, while supplying Clinton with the water they need and Public Works Director Monroe has talked with the project manager about impacting Smith's Food & Drug as little as possible.

Council Member Bangerter made a motion to approve Resolution 2018-09. Council Member Smalling seconded the motion. The motion passed unanimously by a roll-call vote. Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes.

8. **Discuss a development plan review procedure:** Mayor Madsen explained the Council wanted a checklist for plan reviews so every department could approve a development before the plan going to Planning Commission and Council. This would not be used for the conceptual plan that would go before the Planning Commission first. The approvals on the checklist would be required before the Council gave their final approval and any building permit issued.

Recorder Hale stated the checklist before them was drafting using the City's existing ordinances, with a couple of items that she would like to have changed in the ordinances. Council Member Bangerter believes this is great and can be adjusted as they see any problems in the future.

Mayor Madsen asked for permission to proceed with the document. No one opposed proceeding with the checklist.

9. **Presentation of an interlocal cooperation agreement between Sunset City and UTOPIA:** Recorder Hale explained Roger Timmerman was presenting this to Tremonton tonight also and said he could be late, so she asked if the Council could proceed with the next item and come back to this one when Mr. Timmerman arrived. The Council agreed to do that.

10. **Mayor, Council and Department Head Reports:** Council Member Noyes said he was confused about the previous item and asked if UTOPIA has a contract or proposed project or if this is just a general agreement in case they get a project. Mayor Madsen believed they had an agreement with the schools and wanted to use the City's right-of-way to put the lines in for the schools. Council Member Noyes stated he was a little concerned because they have had problems with UTOPIA in the past. The Council will find out when Mr. Timmerman arrives.

Council Member Wiggill reported he attended the North Davis Fire District Board meeting and they reviewed their January 2018 financial report. They also worked on involving the Sunset Youth City Council in preparing for the Easter Egg Hunt.

Council Member Carlson stated he attended the North Davis Fire District Board meeting as well and saw that Council Member Wiggill and Mayor Madsen are doing a good job on that Board. After the meeting he and Mayor Madsen were able to sit through the debriefing conducted for the structure fire in Sunset. At the North Davis Sewer District meeting, they

were presented with the FY17 Financial report like was done here tonight and the District is doing well also. They are doing well managing costs.

Council Member Smalling confirmed the Youth Council is working with the Fire Department on the Easter Egg Hunt. They will be helping them to stuff the eggs. During the Mosquito Abatement Board meeting she learned they are working on getting their lab operational and they are interviewing prospective lab techs. They received some really good applications. They are hiring their seasonal workers and quite a few are returning from last season, so that indicated to her how good the District was to work for. On the West Nile Virus for 2017, there were 2,002 human cases and 121 deaths in the country. In the State of Utah there were 68 human cases and 5 deaths. The District will do more pooling and the lab will enable them to get the information more quickly. They talked about the hurricane in Houston and how successful the spraying was to kill the mosquitoes. The people working the power lines were getting about 100 mosquito bites per minute, so the military bombed the area with mosquito spray. There were no cases of West Nile Virus in the area they bombed. Education programs are done in the local schools. Sometimes those kids they teach end up working for the District.

Council Member Bangerter thanked everyone for their support of Bark in the Park event. Central Park is perfect for car shows, so he tries to bring in any shows he hears about.

Police Chief Eborn advised the new patrol car started flashing some lights on the dash after running it for two shifts, but it is back from the shop and is running great. The Department is up one extra car and would like to sell the old 2008 Charger after stripping it. The Council gave their consent.

Treasurer/Office Manager Youngdell reported last summer Administration changed credit card companies and with the new company were able to take E-checks. They are now finding a lot of those are going unpaid so as of last week, they are no accepting E-checks. There are still six businesses that have not renewed their licenses and on March 1<sup>st</sup> they will be given to the Police Department for citations. All six are commercial businesses. There are also five rental licenses that have not been renewed. She has heard from a couple of the Council about going to the ULCT Conference April 25-27. She asked the rest to let her know if they are going or not so she can get them registered.

Public Works Director Monroe advised there are two vehicles being worked on. The Davis Weber Canal is looking to install a larger line, but they cannot do it in the summer while running irrigation water. They asked if Sunset would put off their 1300 North paving project until the spring of 2019. They have 18 months to use the CDBG grant and they just barely received the contract to receive it, so they would have plenty of time if the Council is okay with pushing the project back so they can install their line before the road is repaved. His only reservation is it may cost more to do the project next year. He would like to coordinate with the Canal Company, so they aren't paving a patch only to have the City repave it. He was asked to talk to them about possibly covering the City's added cost.

Mayor Madsen reported the Boards he sits on are busy with their budgets and the City will be soon. He will meet with the Department Heads and then he and Recorder Hale will put them together.

- 9. Presentation of an interlocal cooperation agreement between Sunset City and UTOPIA (continued):** Mr. Timmerman stated UTOPIA is an interlocal company, not private. Eleven cities created UTOPIA and they have fiber networks in 30 cities throughout Utah. They work closely with partners like UDOT and UEN. This request is to facilitate a project for Davis School District to upgrade the schools. In Sunset, three schools are identified to be upgraded. The plan routes for that are mostly in existing UDOT conduit or Rocky Mountain Power areal attachments. However, there are a couple places they need to get from the UDOT right-of-way to the Rocky Mountain Power poles. That is where they are requesting use of City right-of-ways. There are three street crossings that would be underground boring. With this agreement there is no obligation from the City; it is not joining UTOPIA or being obligated to any of their projects or debts.

Mr. Timmerman explained they are always interested in additional opportunities if they are requested like providing connections to City offices or businesses and even residential units if there is case to be made for it. They regularly build fiber networks to homes and businesses throughout a City. If about 30% of the City signs up for the project, the revenues from those customers pay the entire cost of the fiber project. Everything they did before 2009 did have a shortfall, but everything they've done since 2009 has been profitable. Today's request is to use the City's right-of-way for the schools only.

Council Member Bangerter requested a copy of the certificates of insurance to the City as stated in their interlocal agreement. Mr. Timmerman said he would get them to him. Council Member Noyes stated he was involved when the conduit was run for fiber for the schools and they had problems with the conduit. They got the run around when trying to find who was responsible for the problems they were encountering. He is concerned and asked who they would contact if something happened. Mr. Timmerman replied their boxes and conduits will have tags on them so they know they are UTOPIA's items if there is an issue. They are also very sensitive to the impact it has because they are owned by the communities of Utah. He will share his and the outside construction planning manager's contact information.

When asked if they already have a contract with the schools, Mr. Timmerman responded they have lots of contracts with Davis School District, but this bid has not been officially awarded for these schools. However, they have won every bid from the Davis School District for the past year and a half. The agreement is for rights to use the City right-of-ways on any project subject to permitting. They don't do saw cuts; it is all underground boring.

When asked, Recorder Hale said the agreement has not been reviewed by the City Attorney yet because this is a presentation at this time. Mayor Madsen clarified in order for this to go forward, the City will need the documentation asked for on insurance and for the City Attorney to review the agreement. Mr. Timmerman stated they are moving forward with

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engineering work, but they are not installing anything yet. He would like to come to the City within about a month for permitting, so appearing before the Council at their next meeting would work. Mayor Madsen said they would get it to the Attorney for approval and asked Mr. Timmerman to forward the certificate of insurance to the City.

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

The meeting adjourned at 8:10 p.m.

Approved – March 22, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder