

**Sunset City Corporation
City Council Minutes
March 22, 2018
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Minutes of a work and regular meeting held March 22, 2018 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Madsen presiding.

WORK SESSION

Mayor and Council Present:

D. Howard Madsen	Mayor
Norm Noyes	Council Member
Chad Bangerter	Council Member
Ricky Carlson	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
Mark Becraft	Fire Chief
John Taylor	Dep. Fire Chief

Others Present:

Allyson Jackson	Robert Smalling
Patrick Murphy	

- 1. Discuss repealing Ordinance 2017-05 and options for fire equipment:** Mayor Madsen explained this ordinance was adopted in May, which started the possibility of an annexation and the referendum. Repealing this ordinance will keep the original ordinance in place, which the City is currently following. This will end the referendum because the ordinance the referendum is against will be gone. They also need to discuss the fire equipment that is being stored.

Council Member Noyes asked to hear Fire Chief Becraft's opinion on what they are proposing to do and wondered if this is just delaying the process. He would like to hear some better rationale for why they're doing this and find out if all the Council Members agree with this. Chief Becraft explained he was at the Board meeting when Mayor Madsen told the Board the direction the Sunset Council is looking to go. The Board Members had no questions about the issue. Mayor Madsen clarified he had told the Board the referendum was a very divisive issue that he wanted put to rest and the Attorney representing Sunset on this issue believes it is a good thing to do. Mayor Madsen would like the North Davis Fire District to continue being Sunset's Fire Department and they could review things within a year. After reviewing how things are going and figuring out the cost of everything, he envisions preparing a slide presentation showing everything that has been paid out and the best estimates for building a new fire station and purchasing new equipment. Most of the equipment being stored is old and will be outdated at the time they begin the review. They would also present what it would cost the residents in taxes to pay for the aforementioned

items. He wants to hold at least two town hall meetings to address the issue and hear from the residents after they are presented with all the facts. There was no opposition to going forward with repealing the ordinance at this time.

The equipment was being stored in a warehouse at the Freeport Center for no cost, but the owners rented got the opportunity to lease the warehouse so they had to remove it. The equipment is now being stored at the NDFD Clearfield Station. Mayor Madsen contacted Attorney Smith to see what they could do with the equipment and was told the equipment could be disposed of. There is some equipment that can be used, but a lot of it is too old to be safe. The DATC trains firefighters, so they can use the unsafe turn out gear and such for training purposes because they don't train with live fire. There are also some smaller fire departments that could use some of the equipment. Attorney Smith suggested to Mayor Madsen that the Council could give Mayor Madsen the authority to work with Chief Becraft on the disposal of the surplus equipment.

The Council knew when they closed the Sunset station that the equipment was outdated and they would have to spend a lot of money to bring the fire department up to where it would be adequately effective for the residents. That's why they had to close it. Some of the equipment could be used by Sunset's public works department, so they will look at the items the fire department doesn't need before the equipment is given or sold to other entities. The City departments have already gone through the items left in the old fire station and taken what they could use. The rest will be moved into a storage shed until it is disposed of. They will keep an inventory of what is disposed of. Mayor Madsen will be gathering a list of previous Sunset Firefighters to give the helmets to after the list is approved by the Council.

- 3. Discuss the Planning Commission:** Mayor Madsen advised a letter was drafted, signed by himself and Council Member Bangerter and mailed to the Planning Commissioners. It advised them of how important their job was to the City and asked them to evaluate their time so they could attend the meetings better.

Council Member Bangerter reported the meetings are only held once a month and about four meetings were postponed last year and so far two of the three meetings this year have been postponed due to lack of a quorum. He feels this is an issue because developers have begun to come into the City and the zoning needs to be reviewed. He stated the Commissioners are doing an awesome job, but the attendance is lacking by some. Their lack of attendance is delaying some of the businesses that are requesting conditional uses.

They talked about the Commissioners' compensation, which is currently \$40 per meeting for the Chair and \$30 per meeting for the rest, but it they believed money was not the issue. They discussed holding their meetings on another day of the month, but it was changed a while back and it didn't help. It was decided to wait for a time to see if the letter works.

Non-agenda item: Mayor Madsen reported the Clinton Police Department is actively trying to recruit two of Sunset's officers. They are offering them more money and full benefits. He feels they need to make a wage adjustment for all the Sunset officers. They raised the

starting wage by \$2.00 before hiring the last two officers. When that happened the rest of the officers were told their wages would be worked on, but that hasn't happened very well. He has talked to all the City employees and they all seem supportive and believe it needs to be done. He believes this is not a good time to lose officers. He recommended giving the four officers that didn't get the last increase a \$3.00 increase and the rest \$2.00. He was told by a couple Council Members that they need to do something for the other employees, so come budget time they will work on something for them and the police officers would not be included in that. He would like their pay increase to take effect immediately. For the police officers increase the rest of this year it would cost the City \$14,149 and for the full year next year, it would be about \$45,000. It would mean the General Fund balance this year would drop to about 22% and next year it could drop to about 10%, so it would be tough. However, next year is the final payment on the City Building so it wouldn't be as bad the year after. There is money put away for the 1800 North project they could use some of to assist. It is not the money just set aside from the sale of the old fire station; it was \$200,000 set aside two years ago. Also, due to the pay scale salary cap, two officers wouldn't receive the full \$3.00 so he would like to increase the ending pay of all pay grades by the amount it would take to pay those two officers the full \$3.00. Had the City been giving COLA's the last several years, the pay scale would have been extended automatically.

The Council discussed the struggle Police Departments are having filling positions and when the Sunset Department gets officers certified as instructors, they are recruited by the Clinton Police Department. The increase for the newer officers will not bring their wages up to the starting wage of Clinton's officers, but it may be close enough to keep the current officers here. A salary survey from seven cities was received by Mayor Madsen and all of Sunset's officers are at the bottom. This adjustment will at least get them close to the middle. It was also discussed that Sunset will never be able to compete with Clinton and other bigger cities. The officers who want to stay here, will. Others want the opportunity to advance, which they would very rarely get here, so they will go to a bigger Police Department. Sunset has a great Police Department as shown by comparing their numbers with any larger city and they need the wage increase, however so does Public Works and Administration. The Council needs to look at the budget as a whole and see if they will be able to make this work and still maintain the infrastructure and other items needed in the City.

- 2. Discuss Animal Control Services:** The Council decided to discuss this item briefly in the Council reports section of the regular meeting.

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

REGULAR SESSION

Mayor and Council Present:

D. Howard Madsen	Mayor
Norm Noyes	Council Member
Chad Bangerter	Council Member
Ricky Carlson	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
Mark Becraft	Fire Chief
John Taylor	Dep. Fire Chief

Others Present:

Alana Griffith	Sunset Youth City Council Advisor
Hanna Griffith	Sunset Youth City Mayor
Steve Rush	Rocky Mountain Power
Allyson Jackson	Robert Smalling
Patrick Murphy	Beverly Macfarlane
Connie Madsen	

The regular session was called to order at 6:35 p.m. by Mayor Madsen.

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of February 20, 2018 and March 6, 2018 as presented. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

Public Comments: Deputy Fire Chief John Taylor thanked the Sunset Youth City Council for helping them stuff the eggs for the Easter Egg Hunt to be held on March 31st. They worked really hard and he said Sunset has a great Youth Council.

2. Sunset Youth City Council report: Youth Mayor Griffith reported they attended a Leadership Conference at Utah State a couple weeks ago and said the highlight of the conference was the service project. They were divided into 19 groups to provide services throughout Cache Valley. A few of the projects were collecting cans of food, tying quilts and spending time with the elderly. They thanked Council Members Carlson and Smalling for attending the banquet on Friday. On Tuesday, they filled over 3,000 eggs for the Easter Egg Hunt next week and they will also be helping to set it up that day. In April they will be

helping Sunset Elementary School with their movie night. They would like to work with Public Works to set up a community garden where they could grow pumpkins in their area to sell in the fall. She asked the Council for their approval on this project. The Council approved. Youth Mayor Griffith said they would like to do a fall festival in October with activities for kids and a Dutch oven contest, similar to the Winter Fest. She asked for and received permission to follow through with it.

Council Member Smalling stated this youth group is great to work with and listening to them gives one hope for the future. She thanked them for what they're doing. Council Member Bangerter stated Itol Hunt recently had to step down as an Advisor and he would like the City to send her a thank you. He thanked Alana Griffith for her service as well.

1. **Consider approval of Resolution 2018-11 granting an electric utility franchise and general utility easement to Rocky Mountain Power:** Steve Rush stated the Rocky Mountain Power's utility franchise with Sunset is expiring and they would like to enter into a new franchise with a 10 year term. The general purpose gives them the right to work within the City's right-of-ways and outlines rules for such work. The City has an ordinance providing Sunset to collect a 0% to 6% franchise tax from them.

It was mentioned that there has been a problem contacting someone at Rocky Mountain Power whenever there is a problem and it was asked if the City could get a list of who to contact for which type of problem. Mr. Rush said they could contact him first and he would get them in contact with whoever they need to talk to and he would also work on getting a list for them. He mentioned in the agreement, if the City wanted to use the poles, it is allowed at no charge. Rocky Mountain Power just has to review the use to make sure there is sufficient clearance, etc.

Council Member Noyes made a motion to approve Resolution 2018-11. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes and Council Member Noyes – yes.

3. **Consider approval of Ordinance 2018-01 repealing Sunset City Ordinance 2017-05 that replaced Title 4, Chapter 1 entitled "Fire Department" with a new Title 4, Chapter 1 entitled "Fire Protection":** Mayor Madsen stated this issue has been very divisive in the City, so this ordinance nullifies Ordinance 2017-05 and leaves the original ordinance in place.

Council Member Noyes saw a comment on social media today similar to the ones before and wants people to understand he loves Sunset City. His wife was born and raised here and he has spent his career here. He would not do anything he didn't feel was in the best interest of the residents of Sunset City. He would never make a decision that he felt puts residents of this City at risk. He is frustrated by some of the social media comments and said they are hurtful to him and his family.

Council Member Noyes made a motion to approve Ordinance 2018-01 repealing Ordinance 2017-05. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Smalling – yes and Council Member Bangerter – yes.

- 4. Consider approval of Resolution 2018-10 approving an interlocal cooperation agreement with Davis County for dispatch services:** Mayor Madsen explained this is renewing the previous agreement. The fee on the residents' utility bills still covers the cost of dispatch services and the police and fire departments have no issue with the service.

Council Member Bangerter made a motion to approve Resolution 2018-10. Council Member Smalling seconded the motion. The motion passed unanimously with a roll call vote. Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes and Council Member Noyes – yes.

- 5. Consider approval of the procedure to disburse fire equipment:** This item was discussed during the work session. Mayor Madsen asked for a motion to grant him the authority to work with Fire Chief Becraft in disposing of the fire equipment. It was discussed and decided to include Council Member Wiggill since his assignment is the Fire Department.

Council Member Bangerter made a motion to grant Mayor Madsen and Council Member Wiggill the authority to work with Fire Chief Becraft in disposing of the fire equipment. Council Member Carlson seconded the motion. The motion passed unanimously.

- 6. Mayor, Council and Department Head Reports:** Council Member Bangerter pointed out the City cannot afford to do animal control on its own because there is no place to house the animals and it would cost Sunset from \$45,000 to \$80,000 to hire someone, so that option is out. Another option may be to bring other cities together to do it, but it would be very difficult to do because all the Davis County cities have an interlocal agreement with Davis County to provide those services. He reached out to Weber County and Roy City, but neither seemed interested. Bottom line is Sunset spends about \$30,000 a year for animal control services and he believes there needs to be more education for the residents and accountability from Davis County for what services they are receiving. Sunset has 220 or more animals picked up per year and only 10 citations were issued. That is a problem. A lot of people don't speed for fear of getting a ticket and people are educated about it. Sunset residents have their animals for comfort, companionship, etc. and that is okay. The problem is when a resident has too many animals. He recommended having the interlocal agreement amended to include quarterly reports that are detailed to include the violation, address, date, if the resident received a notice of violation or citation and the officer who handled the violation. That would let the Council know where the problems are. The fee for a notice of violation is paid to the Davis County Animal Control and a citation is handled through the Sunset Justice Court. Sunset is one of the smallest cities in the County and has the largest amount of animal taken by Animal Control, so Sunset has a problem. He suggested including in the agreement amendment that a three time offender is cited, dog bites should be

automatic citations and too many animals should also be cited for education. If they don't, he doesn't know how the residents will be educated that they cannot have six dogs, etc. Council Member Smalling believes it also falls back to ownership responsibility; they need to know their responsibility for having animals. Maybe that type of information can be distributed at the upcoming 'Bark in the Park' event. Council Member Bangerter hopes Animal Control will be there, but at his last contact with the event sponsor, Director Rhett Nicks had not returned her calls and that concerns him because he said he would be there. He believes Animal Control's accountability cannot be overlooked any longer. Council Member Wiggill would like Council Member Bangerter to have something for them to address at the next Council meeting. Council Member Bangerter would like to have the Police Officers be able to write citations in certain situations. If the officers could take the barking dog calls, etc. it would reduce the amount they have to pay Davis County. Chief Eborn said they could handle those type things as long as they don't have to transport any animals. Council Member Bangerter wondered why Sunset was not on Animal Control's Advisory Committee and would like Sunset representation that put in the amendment as well.

Council Member Bangerter mentioned the Easter Egg Hunt is coming up and encouraged all to attend. He advised the City will have three car shows at Central Park this year and said that is great for the City, as any big activity is, because those things bring outside people to the City businesses and gets the City's name out there. He is working with the Planning Commission on reviewing the C-2/C-1 zoning ordinance.

Council Member Smalling reported the Mosquito Abatement Board is making adjustments and gearing up for the season. They are working towards getting the drone program going and their lab will be up and going soon so they can do their own testing. The Youth City Council banquet was nice to attend and it made her realize there are some awesome kids out there who are leaders in the making. They took charge and worked really well together making a difference in the Cache Valley community, just like the Sunset Youth Council does here.

Council Member Carlson echoed Council Member Smalling's comments. He is getting more and more excited about being on the North Davis Sewer District Board. District Manager Kevin Cowan is spending a few hours going through the whole plant with Council Member Carlson bringing him up to date on it. So far they've completed following the liquids and next time they'll go through the solids process. The operation is huge; they pay about \$2.4 million in bills in one month. He encouraged the Council to ask people they meet to apply for the Planning Commission.

Council Member Wiggill stated it is great to hear the Fire Chief speak during the NDFD Board meetings and it is great to hear Department Heads who have been with an entity for a long time still trying to improve what they do. The District has employee turnover issues, just like Sunset PD does, and it does create an impact. They praised the Sunset Youth City Council Members for their help stuffing Easter Eggs for about five hours. He reminded everyone about the Easter Egg Hunt on March 31st.

Council Member Noyes is amazed at what great employees Sunset has. He has called Public Works Director Monroe several times about water leaks, snow removal or a broken fire hydrant and he and the crew responds very quickly. The Administrative employees also help him quickly whenever he's asked for help or information. The Police Department is also doing a great job.

Police Chief Eborn reported on how the National Walk Out of School Day for 17 minutes went at Sunset Jr. High School. The school was very well covered because there were rumors of things that were going to happen that day. There was a post on Facebook that said the police had to take a kid down and arrested him, but that did not happen. Representative Paul Ray also attended. The walk out was peaceful and there were no issues. He was amazed at how many kids did not attend it and stayed in school. Only about 200 kids participated. He talked to a lot of kids, some who went out and some who didn't. Some of the ones who didn't go out said they didn't feel there was a clear definition of what it was about. One student said, "If this is 17 minutes to honor those who died, I'll go out, but if it's to protest guns I'm not going out there." The Sunset students who went out didn't do anything so it was just a 17 minute break for them. The old police car is for sale and he already has some bids even though the sign is not on it yet. The sign will go on it Friday or Monday. He thanked the Council for having a discussion on their wages.

Treasurer/Office Manager Youngdell thanked Council Member Noyes for his nice comments. A newsletter will be going out the first part of April, so if the Youth City Council wants anything in it, the article will need to be in by March 28th. The annual sexual harassment training has been scheduled for April 2nd at 1:00 p.m. She will try to record it in case some cannot attend.

Mayor Madsen read a letter addressed to the Mayor and Council from Carl Peterson of Sunset. It thanked Joe Maylin and other Public Works employees for the work they did to repair his water meter and how well they cleaned up afterward. He asked Public Works Director Monroe to take it to his employees.

Public Works Director Monroe thanked Council Member Noyes for his earlier comments and was happy to have received two appreciations in one night. He reported the crosswalk lights have been installed on 250 West in front of Sunset Elementary School, the street sweeper has been out twice already and they have repaired a couple water leaks. He has watched Roy City change their service lines without pulling the whole entire box, so they'll try that approach so it's not so invasive to the home owner. They will begin removing furniture from the fire department and put it in a storage unit. He gave props to the Youth City Council because they have volunteered to take over the baby contest and float for the parade and said he can't thank them enough. It's great the Council is on board with their fall festival. There will be some struggles, but hopes they can make a go of the garden this year. The Youth Council has done a lot of curb painting in front of the hydrants and he's grateful for that as well. They will be placing some 'No parking, standing or dropping off' signs on the south side of 1600 North along 250 West because a lot of parents park next to the cross walk making it hard to see when the kids need to cross the street. The curb has been painted red

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forever, but it's being ignored. He placed some candles there the last three weeks, but they began to disappear. The 800 North environmental study is complete and they're waiting on the grant information. 2019 is the budgeted year for it. Council Member Noyes mentioned that has been in process since 2012 when he was the Public Works Director.

Mayor Madsen thanked the Council for discussing the fire department issues and said the only big dollar item at the station is the shed. He has talked to the Clearfield Mayor about the shed, who is going to talk to their Public Works Director to see if they want it. If Clearfield purchases it, they won't have to put it up for bid. At the Caucus, he was told the funding is there for the 1800 North Interchange in 2022, but they're still working to move it up. Habitat for Humanity has a program they have done in other cities working with Job Corps, other youth groups and courts who provide community service to provide the labor on projects for people who will pay for the materials. They would like to work with Sunset to do such projects. He is waiting for them to get back with him. He has learned the value of being in a District. Prime example is everyone in Davis County is paying to get rid of mosquitoes in West Point. Clearfield pays a much higher share to North Davis Fire District to provide fire services for Clearfield, West Point and now Sunset. Other Districts include North Davis Sewer District and Wasatch Integrated Waste Management. People need to be educated about the value of Districts. If Clearfield does not want the shed, he asked if the Council would prefer to have a minimum bid set for the shed or not. It was discussed and decided to go without a minimum bid because bids do not have to be accepted if the Council doesn't think any are high enough. Mayor Madsen stated he signed the closing papers on the old City building yesterday. He stated his appreciation for everyone in the City working well together.

Council Member Bangerter 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 7:55 p.m.

Approved – April 3, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder