

Sunset City Corporation
City Council Minutes
June 2, 2015
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Minutes of a regular meeting held June 2, 2015 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

REGULAR SESSION

Mayor and Council Present:

Beverly Macfarlane	Mayor
Ryan Furniss	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Dan Ripple	Council Member
Kevin Snow	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director
Travis Carter	Asst. Fire Chief
Anthony Bott	Firefighter

Excused:

James Weston	Fire Chief
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Others Present:

Scott Nelson	CEC Engineering
Josh Colledge	Insider Auto Sales
Felshaw King	King & King, Attorneys at Law
Rosemary Cundiff	Utah State Archives
Bryon Saxton	Standard Examiner
Terry Avondet	Sunset Citizens Corp
William (Bill) Kelley	Chad Bangerter
Ellen Cutler	Wanema Butcher
Joyce King	Janet Lujan
Shirley Griffiths	Michael Love

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

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

Council Member Furniss made a motion to go into the Public Hearing. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

PUBLIC HEARING

To receive public input on the Fiscal Year 2015 budget amendments and the Fiscal Year 2016 budgets: Recorder Hale summarized the FY15 budget amendments as follows:

<u>FUND</u>	<u>APPROVED BUDGET</u>	<u>AMENDED BUDGET</u>	<u>VARIANCE</u>
General	2,152,298	2,149,645	(2,653)
Utility	1,552,455	1,617,601	65,146
Class C Roads	186,135	172,995	(13,140)
Emergency Preparedness	15,000	2,000	(13,000)
Liquor Control	9,800	7,000	(2,800)
DARE	3,700	1,450	(2,250)
Miscellaneous Grants	12,000	18,220	6,220
Arts	0	1,160	1,160
CDBG Capital Project	400,000	440,000	40,000
Public Works Capital Project	70,000	103,246	33,246
Economic Development Capital Project	<u>16,000</u>	<u>27,000</u>	<u>11,000</u>
Totals	4,417,388	4,540,317	122,929

And the FY2016 proposed budgets as follows:

<u>FUND</u>	<u>BUDGET</u>
General	2,233,407
Utility	1,606,840
Class C Roads	165,045
Dispatch Fees	50,000
Emergency Preparedness	12,000
Liquor Control	6,800
DARE	1,700
Youth City Council	2,200
Miscellaneous Grants	5,160
Fire Fund Raising	1,000
Arts	3,075
Retirement	19,275
CDBG Capital Projects	260,000
Public Works Capital Projects	<u>1,050</u>
Total	4,367,552

Next year's budget is \$172,765 less than this year's budgeted expenditures and includes a 1.7% merit increase for the employees, an increase in the Mayor's salary of \$12,000 and \$200 donations each for the HAFB Top of Military Affairs Committee, other HAFB Committees, Northridge High School All Night Graduation Party, Sunset Jr. High School Red Ribbon Week 5K Fun Run and the Utah Honor Flight.

Mayor Macfarlane opened the session for public comment.

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Joyce King asked where the \$122,929 budget increase would come from. Recorder Hale answered the City received a little more revenue than anticipated and some will come from the Fund Balance, which is a little higher than the State allows.

Chad Bangerter asked why the DARE auction would not be held, asked about the \$12,000 increase for the Mayor's wages and what was happening with the park restrooms. Police Chief Eborn explained the DARE auction has been suspended because Sierra R.V. offered to fully fund the program and they received a donation from another business owner. Mayor Macfarlane explained the Council suggested the increase in her wage because she spends a lot of time doing things for the City and feels the increase is warranted. Mr. Bangerter said when he was Mayor he spent a lot of time for the City as well, but never expended that type of money. He believes the Council will be next in receiving an increase. Public Works Director Monroe explained the City has received CDBG grants to do three restrooms, plus the City's match so they will be getting done. Mr. Bangerter said when he was Mayor, they applied for a grant with Clearfield for road construction on 800 North and wondered what is happening with that. Director Monroe replied that grant will fund in 2017.

Bill Kelley said he has been a resident for 50 years and wondered if there was a contingency fund for the aging infrastructure under the streets, namely the sewer lines installed in the late 50s/mid 60s that had a life expectancy of 20 years. They are going down all over town. It was clarified the sewer pipes he was talking about were the pipes from the City sewer main to the residences and those are the home owners' responsibility. When asked if the City offered any help to the home owner, it was said there was not. Council Member Furniss said the sewer lines in Sunset are in good shape and the City has not had any failures. The problem is with the aging water lines.

Bryon Saxton from the Standard Examiner asked what the Mayor's wage would be with the \$12,000 annual increase. It was replied the total would be \$21,900. Mayor Macfarlane commented Sunset does not have a City Manager, so the Mayor takes on that responsibility.

Terry Avondet said with all the increases and purchases being talked about, she wondered if a tax increase was in their future. Mayor Macfarlane said next year's budget is actually less than this year's budget.

Chad Bangerter asked for a follow up and said Recorder Hale mentioned increased taxes in her explanation of where the amended increase will come from. Recorder Hale explained the City received more sales tax than previously anticipated.

Council Member Snow made a motion to go back into the regular session. Council Member Ripple seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

REGULAR SESSION

Approval of Minutes: Council Member Furinss made a motion to table the minutes as they are not completed yet. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

Approval of Vouchers: Council Member Peay made a motion to approve the voucher for Ed Kenley Ford in the amount of \$26,230.00. Council Member Furniss seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

Public Comments: Michael Love said he missed the meeting when it was decided what would happen with the skate park. Mayor Macfarlane replied they decided to phase it out. As the equipment is unable to be repaired and it becomes unsafe the item will be removed. Mr. Love said his grandson uses it frequently and he believes it keeps a lot of kids out of trouble. He asked what the City will do with the space once the skate park is gone. It was said it is not known yet.

Chad Bangerter said he has total respect for Mayor Macfarlane, the proposed increase is quite a substantial amount at well over 100%. This is a small community with 5,200 people and 1,600 homes. He sees a potential problem with that high of an increase. He does commend the Council for at looking at an increase, he just believes it is too much. He is very disappointed in the Council for bringing up the overnight parking ordinance again. He was told time and again by Council Member Snow that once the Council had made a decision to honor that decision and move on. The Council has brought this subject to the table three different times and each time it was decided not to change it. Streets are not parking lots. He knows Council Member Snow wants to park his trailer on the street and Council Member Furniss has said he wants his daughter to be able to park on the street because he doesn't have enough room to park his vehicles. He knows that is a problem for a lot of residents, but the point is if cars are parked on the streets it becomes a huge safety concern with kids running out between the cars. He asked the Council to look at this issue closely before deciding. One of the greatest things they have in this Country is freedom of speech. He has declared his candidacy for Council and feels he has the right to do so unthreatened by Council Members or anyone. Any open targeting or attacking to make him feel targeted personally for running for candidacy is a violation of his constitutional right to run freely. Nepotism has never really been an issue in this City and he hopes the discussion on the agenda tonight is not about him running for office and if it is he is very disappointed.

- 1. Revisit and possible re-award bid for waterline replacement on Main Street from 1300 North to 1425 North:** Scott Nelson, the Engineer for Sunset City, explained he has found out Geneva Rock Products, who is contractor for UDOT's project, has a subcontractor called Gallegos Brothers and they are the ones who gave the bid for the waterline. Gallegos Brothers has withdrawn their bid to Geneva so there is no contractor for the State to do the waterline. Mr. Nelson suggested UDOT talk to Kapp Construction, who was Sunset's lowest bidder. During that discussion it was brought up that contractors who work for UDOT have to abide by different requirements, such as using only using only American parts, paying Davis Bacon wages and some other minor items. The bid could be pushed from \$124,000 to close to \$150,000 if UDOT hires Kapp Construction. After all discussions, it was suggested

that Sunset City enter into a contract with Kapp Construction and have them install the waterline per the bid submitted. Kapp could begin the project next week if they are awarded the bid. They wouldn't be held to the June 19th deadline now, but Mr. Nelson believes they could complete the project by about July 1st, which is still in time for UDOT to come through with their project in mid July.

Council Member Furniss made a motion to award the bid for the waterline replacement along Main Street from 1300 North to 1425 North to Kapp Construction with the completion extension mentioned above. Council Member Snow seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

2. **Consider conditional use request for Insider Auto Sales to locate at 335 W. 1300 N.:** Josh Colledge advised his intention is to have an all indoor car lot. He has had his current business on Main Street in Clearfield for 10 years, but he is tired of vandalism and theft so decided to move it all inside. He is leasing 13,000 square feet and that will accommodate his business. Council Member Peterson said one issue was being next door to Chaparro's which is a food preparation business. The USDA inspector approved the business and as long as there is no smell of auto fumes in Chaparro's they will be okay. If they do smell fumes, they have agreed to work with Winegar's to solve the problem. Mr. Colledge said he is building a restroom and some partition walls so he plans to have inspections on the unit. The Planning Commission set a limit of 25 vehicles inside the building. Most of his sales will be internet driven and by appointment. A roller door will be installed in the front so the cars can be pulled outside for the customers test drive them. His hours of operation will be from 9:00 a.m. to 10 p.m.

Council Member Peterson made a motion to grant the conditional use request for Insider Auto Sales to be located at 335 W. 1300 N. with the conditions the operating hours will be 8:00 a.m. to 10:00 p.m., limit of 25 vehicles and in the event any fumes get into Chaparro's, they work will Winegar's to come up with a solution. Council Member Ripple seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

3. **Consider changing the regular Planning Commission meetings from the third Thursdays to the second Wednesdays of each month to begin on July 8, 2015:** Council Member Peterson reported some of the Planning Commissioners are tied up on Thursdays making it hard to have a quorum, so they would like to change their meeting dates to the second Wednesday of the month. They believe this will also help the time frame businesses can be approved because there is almost always a Council meeting the next week.

Council Member Ripple made a motion to change the Planning Commission meetings from the third Thursday to the second Wednesday of the month beginning on July 8, 2015. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

4. **Consider Community Development Block Grant (CDBG) agreement for the grants awarded to Sunset City in 2015:** Council Member Furniss made a motion for a five minute recess while Recorder Hale retrieves City Attorney King's opinion letter. Council Member Ripple seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

City Attorney King arrived and noted the following items: 1) the Mayor's name needed to be updated; 2) the City is required to indemnify the County in connection with any liabilities during the contract period; 3) the document provides the City will adopt a language assistance program for the contracted workers who may have a hard time with English; 4) have an affirmative action plan; 5) there are some insurance requirements; and 6) they should be familiar with the Code of Federal Regulations (CFR) referenced in the agreement. In summary there he could not see any legal reasons the City couldn't enter into the agreement.

Council Member Furniss made a motion to approve the CDBG agreement awarded in 2015 to construct the restrooms. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

5. **Consider Ordinance 2015-03 amending the placement of campaign signs:** Recorder Hale explained not allowing residents to place campaign signs in their yards because they live within 150 feet of a polling place restricts their freedom of speech. Therefore the amendment is to not allow campaign signs to be posted 'on public property' within 150 feet of a polling place. She also explained a polling place is only a polling place during the times ballots are able to be cast there. She gave the example that the City Building is a polling place during business hours for the two week early voting, but is not a polling place on Saturday when the building is not open to cast ballots.

Council Member Snow made a motion to approve Ordinance 2015-03 amending the placement of campaign signs. Council Member Ripple seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Ripple – yes, Council Member Snow – yes, Council Member Peterson – yes, Council Member Furniss – yes.

6. **Consider a street lighting plan:** Council Member Snow made a motion to table this item because he has not been able to get all the information yet. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.
7. **Consider Ordinance 2015-04 amending the all night parking regulations:** Council Member Snow explained this ordinance would change the current all year regulation of no street parking from 2:00 a.m. to 7:00 a.m. to no overnight parking on the street from November 15th to March 15th. The earlier concern of kids running out from between cars is not an issue at 2:00 a.m. When he moved here 13 years ago he thought the ordinance was weird because all the surrounding cities are only for the winter months. He believes this will allow people to get their cars off their lawns and make the City look better.

The Fire Department concerns are both day and night with cars parked on the street. If a ladder truck has to be brought in, the outriggers come out and sometimes vehicles are in the way, but that happens day or night, so they adapt. Public Works concern was street sweeping. The street sweeper goes out at 4:00 a.m. so they can clean the streets without missing the areas where cars are parked, but other cities have adapted and they will make it work whichever way the Council decides. Police concerns are cars parked in the driveway with the rear of the car being over the sidewalk into the curb area because there is no more room farther up in the driveway. When that happens the children walking to school have to go out into the road to get around the car. No overnight parking can help the Police Officers occasionally because if they check on a car parked on the street they may be able to stop a crime. The Police Department can and do grant requests to park on the street for good cause shown. They do not allow long term parking on the street; just a few nights for guests or bringing a trailer home to pack for camping, etc. If the Council changes the ordinance they would like it to be in line with the surrounding cities. Limiting non-motorized vehicles to 72 hours parking on the street, expanding it to include any vehicle for that long and enforcement of the 72 hour time limit was discussed, along with hours to define overnight parking.

Council Member Snow made a motion to adopt from November 15th to March 15th. Leave the timeframe out of it for now and if it becomes an issue they can put an actual time frame on it. He also added or impending snowstorm, so the cars will be off the street during a snowstorm, and no longer parking than 72 hours at a time for motorized vehicles that are registered and for trailers and boats no longer than a day to load or unload. Council Member Peay liked changing the ordinance for consistency with other cities, but her concern is the wording of impending snowstorm because people's definition of impending may be different. However she does want a timeframe in the ordinance.

Council Member Furniss made a motion to amend Council Member Snow's motion to say 10:00 p.m. to 6:00 a.m. and remove impending storm. Mayor Macfarlane believed the Council Members were all over the board with this and she would like it tabled until they can get the wording nailed down so the ordinance will read what they want it to say before adopting it. Council Member Snow seconded the motion. He feels what he said is not that different and just wants to move it on. They have talked about it three times and he wants to try it. If it turns out to be a bad thing, they can address it again. Mayor Macfarlane asked Council Member Furniss to repeat what his amendment was so they can get the wording down. Council Member Furniss asked Recorder Hale what she has down. She stated Council Member Furniss' amendment was to add 10 pm to 6am and remove impending snow storm and tried to put it together with Council Member Snow's motion, but didn't understand it quite right. Council Member Furniss stated the motion is "6-1-3: All night parking regulations: No overnight parking on the street from November 15th to March 15th from the hours of 10 p.m. to 6 a.m. Other than legally licensed motorized vehicles, there shall be a 72 hour limit." Council Member Peterson said he would rather have people's junk in their yards than on the street and believes the current ordinance keeps it off the street. Council Member Ripple believes this ordinance will do the same that. The motion

passed 4 to 1 with a roll call vote. Council Member Peay – yes, Council Member Ripple – yes, Council Member Snow – yes, Council Member Peterson – no, Council Member Furniss – yes.

- 8. Discuss and make possible changes to the Sunset City Nepotism Policy:** Council Member Snow stated there are already people working for the City who are related and this policy he passed out would address issues with supervising relatives. He read a portion of the proposed change, “the decision about hiring, promoting, evaluating, awarding salary increases, job assignments, terminating employees and awarding of contracts for goods and services or public work projects should be based on the qualification, performances and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related and contractual decisions instill confidence of the electoral government. The purpose of this policy is to prohibit certain individuals from being employed by the City of Sunset in a position in which a relative as defined in this chapter provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the City of Sunset for goods, services and public works.” Basically, says a Council Member or Supervisor could not promote their relative or give them a raise or any of that. He believes the current policy would allow him as a Council Member to be over Administration even if his son worked in the office. He read the current policy, “In accordance with Utah Anti-Nepotism Act, Utah Code 52-3, it is inappropriate, subject to the listed exceptions, to employ relatives within the same organization when public funds are used to pay employees. Employers practicing Nepotism will be sanctioned and may be subject to Criminal Penalties. For the purposes of this Section: "Appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds; "Chief administrative Officer" means a person who has ultimate responsibility for the operation of the department or ultimate responsibility for the operation of the department or agency of the state or a political subdivision; "Public Officer" means a person who holds a position that is compensated by public funds; "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law; father-in-law; brother-in-law, sister-in-law, son-in-law, or daughter-in-law.” His proposal would just add some detail and protect the City.

Council Member Furniss said the City’s policy is very vague and the one proposed is more in depth. It protects the people already employed, but it would give guidance from here on out. Another example would be if his son were to get a job with public works and he runs for office again. If the Council is looking to decide on something for public works, this policy would tell him he should stay out of that discussion. Another is if a relative works in a department, a Council Member should not be assigned that department and that limits where the Mayor can assign a Council Member with expertise in an area. This policy would say an Elected Official or a Department Head should not have their relatives working here.

Mayor Macfarlane asked what happens when a person is employed by the City and their close relative runs for and is elected to Office. Council Member Snow replied this policy

just makes it so the person elected to Office cannot be over the employee. He advised he just brought it up and asked the Council to take it home and review it.

9. **Mayor and Council Reports:** Council Member Snow made a motion to skip this item for now. Council Member Ripple seconded the motion. The motion passed with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.
10. **Department Reports:** Asst. Fire Chief Carter advised they will be testing 22 firefighter applicants this Saturday the Captains testing will be next week. They are working on getting another ISO inspection and hopefully their rating will be higher.

Public Works Director Monroe reported they have reworked the old volleyball pit at south park, they have put more sand in the playground areas that needed it and the mud volleyball pit is ready to go for Fun Days.

Treasurer/Office Manager Youngdell received an email from UDOT telling her of a new app for residents to report non-emergency items such as potholes, faulty traffic lights or road kill. The bulk rate postal rates are increasing. Council Member Snow had asked her to find out how much it would cost the City to print the utility bills on full pages instead of the post cards and she has the figure ready to talk about during the budget session.

Police Chief Eborn stated there is a vacancy in the Department and need the okay to advertise for the position. They have discussed possibly going with full-time or part-time reserves.

Council Member Furniss made a motion to go into a closed session in accordance with Utah Code Section 52-4-205(1)(a) the discussion of the character, professional competence or physical or mental health of an individual. Council Member Ripple seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

CLOSED SESSION

Present – Mayor Macfarlane, Council Member Furniss, Council Member Peay, Council Member Peterson, Council Member Ripple, Council Member Snow and for parts of the meeting Recorder Hale, City Attorney King and Utah State Archives Ombudsman Rosemary Cundiff.

The sworn statement affirming that the sold purpose for closing the meeting was to discuss the purposes described under State Code Subsection 52-4-205(1)(a) is attached to the end of these minutes.

Council Member Ripple made a motion to go back into the regular session. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

REGULAR SESSION

9. **Mayor and Council Reports:** Council Member Snow made a motion to table this item. Council Member Furniss seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

Council Member Ripple made a motion to go into a work session. Council Member Furniss seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Ripple, Peay and Snow voting yes.

WORK SESSION

Present: Mayor Macfarlane, Council Member Furniss, Council Member Peterson, Council Member Peay, Council Member Snow, Council Member Ripple, Recorder Hale, Treasurer/Office Manager Youngdell, Police Chief Eborn, Public Works Director Monroe and Firefighter Bott.

Excused: Fire Chief Weston, Judge Jensen

To discuss fiscal year 2015 amendments and fiscal year 2016 budget requests: Council Member Furniss clarified that when he proposed a raise for Mayor Macfarlane, he meant raise it from \$700 a month to \$1,000 per month, not increase it by \$1,000. Treasurer/Office Manager Youngdell advised if an Elected Official is paid more than \$988 per month, the City would need to pay into the Utah Retirement System for them. The expense allowance is included in that total and the maximum increase could be \$105.50 per pay period. The consensus was Council Member Furniss -\$50 per pay period, Council Members Peterson and Snow – no increase, Council Member Ripple 10% increase and Council Member Peay was leaning towards a 10% increase. It was decided to move on with the rest of the budget, think about it and come back to this later in the meeting.

For the General Fund, the Council discussed a line item for yard care at vacant homes and \$1,000 was put in the budget. The Fund Balance would still be 29.2% and that State mandates it is not to exceed 25%. They discussed what was needed and where to put the excess and it was decided to transfer \$40,000 into the Fire Vehicle/Equipment Capital Project Fund, condensing the newsletter and mailing it twice a year, add \$15,000 to repair more sidewalks, curbs and gutters, added \$5,000 more for street light upgrades, correct the mistake on parks equipment supplies & maintenance from \$5,000 to \$15,000 and put the remaining excess in the Public Works Capital Projects Fund dedicated to parks for security cameras. They discussed a prior issue of possibly adding crossing guards for the elementary schools, but the added signs seem to be working so it was not added to the budget.

On the Utility Fund, they discussed purchasing two roll-off trailers for about \$18,000 to deliver and pick up garbage dumpsters for the summer residential neighborhood program.

Council Member Ripple made a motion to go back into the regular session. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

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Council Member Snow made a motion to adjourn. Council Member Ripple seconded the motion. The motion passed unanimously with Council Members Furniss, Peay, Peterson, Ripple and Snow voting yes.

The meeting adjourned at 1:00 a.m. on June 3, 2015

Approved – June 16, 2015

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder