

Sunset City Corporation
City Council Minutes
June 7, 2016
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Minutes of a regular meeting held June 7, 2016 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

REGULAR SESSION

Mayor and Council Present:

| | |
|--------------------------------------|----------------|
| Beverly Macfarlane | Mayor |
| Chad Bangerter | Council Member |
| Ricky Carlson (via phone at 6:45 pm) | Council Member |
| Norm Noyes | Council Member |
| Trystal Peay | Council Member |
| Scott Wiggill | Council Member |

City Employees Present:

| | |
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| Susan R. Hale | Recorder |
| Ken Eborn | Police Chief |
| Jason Monroe | Public Works Director |
| James Weston | Fire Chief |

Excused:

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| Linda J. Youngdell | Treasurer/Office Manager |
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Others Present:

| | |
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| Jacob Stapp | The Aluminum Shingle Company |
| Jonathan Ellsworth | Planning Chair |
| Allyson Jackson | Sunset Citizen Corps |
| Terry Avondet | Sunset Citizen Corps |
| Shirley Griffiths | Janet Lujan |
| Wanema Butcher | Michael Love |

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

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

Approval of Minutes: Council Member Bangerter made a motion to approve the minutes of May 17, 2016 as presented. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Noyes, Peay and Wiggill voting yes.

Public Comments: Michael Love said he is the Sunset Stake Athletic Director. The LDS Church has an agreement with Sunset City to use the baseball field on Thursday nights and wanted to make sure the ball diamond was reserved for them. It will be taken care of.

Council Member Bangerter made a motion to go into the public hearing. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Bangerter, Noyes, Peay and Wiggill voting yes.

PUBLIC HEARING

To solicit input from Sunset City residents on the fiscal year 2017 budget requests:

Recorder Hale read the total budget for each fund and explained the total budget is \$4,530,758, which is \$840,895 less than last year's budgeted expenditures. The Enterprise budget includes an increase in the residential water base rate of \$0.50, an increase in the commercial water base rate of \$0.60 and \$0.04 per 100 gallons in overage fees for both. There is a residential base sewer rate increase of \$3.10 and a commercial base sewer rate of \$3.25 with a \$0.10 increase in overage fees (the \$3.00 and \$0.10 is directly from North Davis Sewer District). There is a decrease in the garbage rate of \$0.90 and the dispatch fee of \$1.00. The total base utility bill will increase by \$1.70. The General Fund includes \$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. The City-wide budgets include a 0% to 1.5% merit increase for the employees. Mayor Macfarlane opened the hearing to the public.

Allyson Jackson, who is over the Sunset City Citizens Corp, said she sat through the budget work meetings they held and she is impressed with the give and take from everyone with very little contention. She thanked the Council for the Emergency Preparedness budget allotted to them, as they are getting back up and running again.

Mayor Macfarlane said she is concerned the marquee in front of the City Building needs repair, but they have not put it into the FY17 budget. She asked Public Works Director Monroe to talk a little about it. Director Monroe said a lady from the company who built it stopped by and gave him a preliminary figure of around \$15,000 to redo it with a three-line LED face. Perhaps getting one with an LCD, or television-type, screen was mentioned to him and he had not had time to research the cost of that type. However, the cost of the sign in front of the Davis & Weber Counties Canal Company cost about \$20,000. If they do one like Clinton City's on 1800 North, his best guess is it will cost between \$20,000 and \$50,000. One side of the City's sign does not work, but they are only about 13 months away from working on the next budget year and putting it in that budget. Mayor Macfarlane is concerned about not being able to communicate items to the public and asked if the Council Members wanted to add it to this year's budget before adopting it.

Council Member Noyes believes they need to get it repaired or replaced and would like to add money to the budget to do so. Council Member Wiggill agreed. Council Member Bangerter agreed, but said where the budget was ready to adopt tonight he would like to just wait on the sign, especially since no set figures are available yet. He suggested waiting until they had a fixed price and discussed where the money would come from, then open the budget or wait until the next year. Council Member Noyes asked if they couldn't just put \$25,000 in the budget and amend it later if it costs more.

At this time Council Member Carlson communicated he would like to join the meeting via phone. He was called, put on the speaker and the current discussion was recapped for him. He agreed with putting \$25,000 in the budget.

Michael Love said this sign is good, but the only people who see it are the ones on this side of town and suggested placing it on Main Street. Council Member Noyes answered the sides of Main Street are either private property the City would have to rent from someone or it is owned by UDOT and they have strict guidelines of what can be placed up there and where.

It was decided to put \$25,000 in the budget and there were no more public comments on the FY2017 budgets.

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

- 1. Consider the conditional use request for The Aluminum Shingle Company to be located at 325 W. 1300 N., in the rear unit:** Planning Chair Ellsworth stated Mr. Stapp appeared before the Planning Commission and the Planning Commission is recommending a conditional use be granted for the Aluminum Shingle Company with the following conditions: 1) all exterior entrances and exits shall have a source of lighting overhead, 2) an inspection shall be completed by the Fire Chief and the business shall be willing to follow any of his direction as to machine orientation for keeping a clear path to the west fire exit, 3) hours of operation are to be 9:00 a.m. to 5:00 p.m., 4) the business shall indicate to the City what the level of noise will be once the new machinery is installed, 5) contingent on the level of noise, the City may require further improvements to mitigate noise for surrounding neighbors and 6) the business shall be willing to consider additional road base improvements.

Mr. Stapp said they had already had a fire inspection and was given a list of items to complete before they pass. The business will be in the southwest corner of the Winegar building and will be strictly manufacturing with no customers. The only business that may be affected by any noise is Insider Auto. They don't know what kind of noise this new machine that stamps out their shingles will cause because they have not used it before. When asked about outside lighting, he said there are lights above all doors to the building and they will make sure they work and will be sufficient.

Council Member Bangerter is concerned about the way the property around the Winegar building looks. He had Recorder Hale show pictures as he explained the weeds, debris and old appliances that are around the building, mostly in the back. Mr. Stamp said they had talked to the Winegars about this problem and perhaps reducing their rent if they take care of the property. Council Member Bangerter said there needs to be significant changes in the way the property looks back there before he gets his business license. If that is addressed, he has no problem with this business coming into the City.

Council Member Noyes asked Public Works Director Monroe if he was aware there was a sewer manhole inside the Winegar Building and he is concerned they have tied the roof drain into that manhole. The owners have been asked to remedy the situation, but he does not believe it has been done. Director Monroe will look into it.

Council Member Bangerter made a motion to approve the conditional use business license for The Aluminum Shingle Company to be located at 325 W. 1300 N. in the southwest corner with the following conditions: 1) all exterior entrances and exits shall have a source of lighting overhead, 2) an inspection shall be completed by the Fire Chief and the business shall be willing to follow any of his direction as to machine orientation for keeping a clear path to the west fire exit, 3) hours of operation are to be 9:00 a.m. to 5:00 p.m., 4) the business shall indicate to the City what the level of noise will be once the new machinery is installed, 5) contingent on the level of noise, the City may require further improvements to mitigate noise for surrounding neighbors, 6) the business shall install additional road base, 7) the business owner or property owner will take care of the weeds and garbage and maintain it, 8) the property owner or business owner will clean up the graffiti and that the used equipment stored out there either be secured or removed from the property. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

2. **Consider Resolution 2016-08 amending the Sunset City Fee Schedule:** Recorder Hale explained the utility fee changes are the same as she relayed during the public hearing, with the base bill going up to \$61.50. All building permit plan check fees were 65% of the building fee and that will be changed to 65% for all commercial and only new construction for residential. It will be lowered to 40% of the building permit fee for residential remodel and accessory buildings. The Storm sewer impact fee was changed to a connection fee, but left the same amount. Since the District Line connection fee goes to the North Davis Sewer District, it was changed from "\$250.00" to "as set by the North Davis Sewer District". The building inspection without a building permit fee was raised from \$47 to \$50 and the CDL testing fee was removed because that is no longer performed by Sunset. The storm water fee unit measurement was changed from "9,000 sq. ft lot average" to "2,600 impervious sq. ft. average" so that it is measured by area that is incapable of soaking in storm water instead of just lot size. That will increase the fee for most commercial lots because most of their lots are covered with asphalt and bigger buildings, but will leave the residential lots the same.

Council Member Wiggill made a motion to approve Resolution 2016-08 with the amendment to leave the District Line Fee in with the change to as set by the North Davis Sewer District. Council Member Bangerter seconded the motion. The motion passed unanimously with a roll call vote as follows: Council Member Carlson – yes, Council Member Peay – yes, Council Member Wiggill – yes, Council Member Noyes – yes, Council Member Bangerter – yes.

3. **Consider Resolution 2016-09 adopting the operating budgets for fiscal year 2017:**

Council Member Bangerter made a motion to approve Resolution 2016-09 adopting the operating budgets for fiscal year 2017 with the addition of the \$25,000 to public works capital projects for the repair or addition of the City marquee sign. Council Member Wiggill seconded the motion. The motion passed unanimously with a roll call vote as follows: Council Member Bangerter – yes, Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Peay – yes.

4. **Consider Resolution 2016-10 appointing two people to serve on the Nominating Commission to review applicants for a Judge vacancy:** Mayor Macfarlane said in light of Judge Jared Jensen anticipating retiring in December 2016 from our Sunset City justice court, The nominating commission convenes when the vacancy in an existing court arises within the County. The nominating commission members are responsible to review applicants for the vacancy and to select 3 to 5 nominees to present to the Mayor, who then makes a judicial appointment and has it ratified by the City Council. Prior to being sworn into office, the appointee must be certified by the judicial Council following completion successful completion of justice Court New Judge orientation. This entire process typically takes roughly 2 to 3 months to complete. The next two orientations are scheduled for August 15th–19th, 2016 and January 9th–13th, 2017. In order to ensure that a judicial appointee for Sunset City is available for the next orientation and subsequent certification by the judicial Council, the Davis County Nominating Commission must meet. The justice court nominating commission is made up of five members, two of which Sunset City must appoint to the commission for the current vacancy. The two members will not serve terms like the other members on the commission and will only serve on the nominating commission to select nominees for the Sunset City Justice Court position. The other three members have been selected. You might recall that I sent out your approval of that third member on that committee quite some time ago. Please note that the individuals appointed may not be elected officials, may not apply for the judicial position and may not be related to applicants within that 3rd degree of relationship (grandparents; parents or parents in law; aunts or uncles; children, nieces and nephews and their spouses). Therefore, FYI, I have submitted two names to be on this nominating committee from our city. Chief Ken Eborn and our Public Defender, Michael Murphy.

Council Member Noyes made a motion to approve Resolution 2016-10 appointing Police Chief Ken Eborn and Attorney Michael Murphy to serve on the Nominating Commission to review applicants for a Judge vacancy. Council Member Peay seconded the motion. The motion passed unanimously with a roll call vote as follows: Council Member Carlson – yes, Council Member Peay – yes, Council Member Wiggill – yes, Council Member Noyes – yes, Council Member Bangerter – yes.

5. **Consider Resolution 2016-11 amending the Sunset City Personnel Policies and Procedures regarding vacation payout:** Mayor Macfarlane stated right now employees may keep up to 480 hours of vacation. Employees can also request a pay out of up to 100 hours one time per year, which may be granted if there is enough money in the budget. Her recommendation is to just stay with the 480 hours and discontinue the 100 hour vacation pay outs. She explained if the policy stays the same, employees can ask for 100 hours to be paid out to them. It can be paid out now at today's wages, rather than years from now at a higher wage when they retire. When an employee retires they are paid out for every hour the have accumulated, which may be higher than the 480 hour maximum. Each year the employees lose all vacation hours accumulated over 480 hours.

Council Member Bangerter said Council Member Carlson brought this up years ago and asked him to explain his thoughts then. Council Member Carlson said back then, most of the

surrounding cities would only allow about 240 hours maximum vacation hours to accrue. They had felt 480 was kind of a high liability for the City, so they talked about lowering the maximum, but the City would have to pay the employees for the hours they have accrued over that maximum to get their hours down to the new maximum. At the time, there was not enough in the budget to do that. His suggestion had been to keep the rate of accrual the same, but institute an automatic payout of anything over the maximum to keep the high liability off the books. Council Member Bangerter said the resolution before them was to discontinue the pay out policy. Mayor Macfarlane confirmed it was to get rid of the policy and just keep the 480 maximum with use it or lose it each December. Council Member Bangerter said they discussed this a little during the budget meetings and the talk was to get the 100 hour pay out policy funded so it could be used. The purpose of the policy was to reduce the cost to the City for vacation payout when an employee retires. If those hours are paid out at the current rate of pay instead of the future higher rate of pay, it saves the City money.

Council Member Noyes stated he was confused as to if this discussion was about the 100 hour pay out policy or if they were changing the whole policy of not allowing them to accrue up to 480 hours. Mayor Macfarlane read the resolution, "Whereas, Section 8.3.3.E of the Sunset City Policies and Procedures was enacted in 2007 allowing City employees to apply to cash out a portion of their vacation once every calendar year; and whereas, the policy has never been funded in the budget, and whereas, the Sunset City Council now desires to discontinue the opportunity for City employees to apply to cash out of a portion of their vacation. Now, Therefore, be it resolved by the Sunset City Council that Section 8.3.3.E of the Sunset City Policies and Procedures be repealed."

Recorder Hale explained the policy being repealed states employees can only apply to cash out up to 50% or 100 vacation hours, whichever is lower, once per calendar year. Mayor Macfarlane said someone could cash out 100 hours, save 100 through the next year and cash it out again. Therefore, she wants to delete the pay out paragraph so employees would have to use it or lose it and not be paid out for it each year. Council Member Bangerter believes this policy was enacted not to hand out a lot of cash to employees, it was to buy down their vacation at the current wage so they didn't have to pay so much out at the higher wage an employee would be making at the time of retirement. When it was said the employees haven't been using this policy, it was answered that it was because the employees had been denied for so long due to the City not having enough money due to hard times of the past several years.

Council Member Wiggill said he's worked for several companies and never has he been able to buy out any of his vacation. He does not believe it should happen. He supported eliminating the vacation buy out policy.

Council Member Noyes suggested tabling this issue until they can research it more. Maybe they could restructure the policy, rather than just eliminating the buy out. He would like to come up with something that benefits the employees a little, but controls the budget a little bit. Council Member Peay and Council Member Carlson agreed with him.

Council Member Noyes made a motion to table this item, appoint someone to look into it more and come up with a compromise with the whole policy including the 480 hour maximum and 100 hour buy out and to have a couple people to represent the employees as it is worked through. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

When asked who Council Member Noyes would like to review it, he responded he didn't care and suggested maybe having it discussed in Department Heads meeting. When Council Member Carlson was asked if he would like to be included in the discussion, he suggested holding a work session on it. Mayor Macfarlane said they would hold a work session.

6. **Mayor, Council and Department Head reports:** Council Member Bangerter advised the Fun Days Car Show flyers are going out soon and the two banners will be placed on Main Street at 1300 North and 1800 North. The entrance signs to the City have been changed to include two F-35s in the sunset portion. He hasn't heard much about any of the large properties in the City, but he did meet with Maverik and they are interested in working with the City during Fun Days and Winter Fest. The Planning Commission is going smoothly and should be wrapping up the general plan soon. He is working on a couple of potential property developments that he will bring before the Council in about two months. He was unable to attend the Military Affairs banquet due to being out of town.

Council Member Carlson observed the Public Works employees doing some asphalt work and it was interesting. The Mosquito Abatement Board meeting is later this week so he will report on it at the next meeting. Some residents have asked that the City be sprayed and he has put in the request. He will follow up with it. His phone battery was dying so he left the meeting at 7:55 p.m.

Council Member Noyes promoted the Weber Basin tour. He has been on it before and they take people around in a tour bus to see where the culinary water comes from and the process. Council Member Bangerter, Council Member Carlson and Mayor Macfarlane will be going. Council Member Noyes feels the Council has worked well together throughout the budget process this year. They have disagreed at times, but have been able to work through it. He thanked them all for that. He also thanked the Department Heads for their help. Mayor Macfarlane told Council Member Noyes that the beautification door hanger he drafted is working wonderful and is being well received. She encouraged everyone to pick up some door hangers to hand out because it will take everyone to recognize all the home owners who are cleaning up or keeping their yards nice.

Council Member Peay thanked everyone who helped the Youth City Council with their car wash fundraiser. They washed about 20 cars in three hours. Every member but one who could not get time off work was there. They did a great job and she has pictures of them washing the fire truck, brush truck and ambulance. They helped another youth group with a service project of painting the inside of someone's home. The Fun Days mud volleyball tournament flyers have gone up and the registration forms are in the Office. They are

working on their float, getting the Pepsi trailer set up and the dunk tank. The Youth Council has a lot of members now.

Mayor Macfarlane advised they need a Grand Marshall for the parade and asked for suggestions.

Council Member Wiggill said the Emergency Preparedness team of Allyson, Terry and Alan are awesome. They have put together a plan to start stocking the emergency trailers. They're working on the list of members who volunteer. They also discussed gathering volunteers for Fun Days. He hopes everyone has reviewed the Fire Department strategic plan for the future. They did an outstanding job of drafting it. He had heard a lot of horror stories about budget meetings, but he agrees with Council Member Noyes on how well it went.

Police Chief Eborn said years ago the Police Department lent Sierra R.V. an old police car as a theft deterrent and it has worked wonderfully. As Sierra R.V. is leaving, they have received the car back. They will strip the car and soon take sealed bids for the sale of it. He doesn't expect more than \$200 for it. The Council Members were all good with that. He reported the residents should be seeing an increased presence at the skate park as they are patrolling it and getting out of their cars to interact with the kids. Council Member Peay said her son told her there is a different crowd of skaters there now, knowing the police are there more.

Fire Chief Weston reported they will be attending training in Syracuse on June 11th. They responded to a roll-over on the freeway where there ended up being a double fatality. They also responded to the self-inflicted single gun shot wound to the head with the Police Department. They are getting ready for Fun Days.

Public Works Director Monroe stated both park restrooms are moving along nicely and the Central Park restroom has been ordered, but it is 60 days out. The existing restroom will be torn down on Thursday. He does need suggestions for a Grand Marshall for the parade. He asked Council Member Noyes about the church park reservation agreement. Council Member Noyes suggested he get with Recorder Hale or Treasurer/Office Manager Youngdell for a copy of the agreement. Director Monroe thanked the Council Members for their quick response on the seasonal hiring.

When Mayor Macfarlane attends Wasatch Front Regional Council transportation meetings to help approve grants for projects, she feels we have not known the process for other types of grants, besides CDBG grants. Council Member Noyes advised the City did receive a \$2 million STP grant to do 800 North so they are familiar with other types of grants. Council Member Bangerter said the Department Heads do a great job of getting grants, but the problem is they are not grant writers and were not hired to be grant writers. Surrounding cities have grant writers. He believes they need to pull the pressure off Department Heads to write grants when they already have too many items they're working on and find out who is

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out there that can really assist the City in writing grants. Mayor Macfarlane said the Wasatch Regional Council has resources the City can take advantage of.

Mayor Macfarlane has been working with the Kiwanis Club on getting business owners to purchase flags, which help to support the Hope of America awards and Coats for Kids programs. Wasatch Integrated has extended their hours due for a time to accommodate home owners due to all the wind damage in the area. They're trying out having a second shift to see how it works. They are entertaining a plan to purchase the Bay Field Land Fill in Fairview so they can take waste there when this facility is filled. It would cost about \$6 million. She attended the Hope of America awards ceremonies at all the schools in Sunset. She appreciates the opportunity to serve as Mayor of Sunset and to serve with the present Council Members.

Recorder Hale reported for Treasurer/Office Manager Youngdell that the Planning Commission will hear a request for a conditional use for a business called Ricky's Towing that will co-locate with Sunset Auto Body. Also, a request for a conditional use for an electrician's business to be located in the Sunset Village RV property will be seen next month.

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

The meeting adjourned at 8:30 p.m.

Approved – July 5, 2016

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder