

Sunset City Corporation
City Council Minutes
June 19, 2018
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Minutes of a regular meeting held June 19, 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
Joe Maylin	Public Works Operations Manager
Ken Warnshuis	Police Officer

Excused:

Jason Monroe	Public Works Director
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Others Present:

Jason Watterson	Utah Local Governments Trust
Joseph Cook	Sunset Development
Ricky Emmertson	Sunset Auto Body

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

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

Approval of Minutes: Council Member Noyes stated he was not present at this meeting so he will abstain from the vote. Concerning the public comment made by Michael Love that the Council was not in support of the Veterans Memorial, he stated they are in support of it; they are just concerned about the reality of raising the amount of money needed to build it as planned. Council Member Wiggill made a motion to approve the minutes of June 5, 2018 as presented. Council Member Bangerter seconded the motion. The motion passed with Council Members Bangerter, Carlson, Smalling and Wiggill voting yes and Council Member Noyes abstaining.

Public Comments: There were none.

1. Presentation of Trust Accountability Award from the Utah Local Governments Trust:

Jason Watterson had called earlier to ask that this item be moved to later in the meeting due to a scheduling conflict.

2. **Consider Benjamin Emmertson's failure to adhere to the conditions given to him by the City Council when a conditional use was granted on September 5, 2017 for Sunset Auto Body to sell used automobiles and park vehicles on the adjoining property to the north of Sunset Auto Body:** Mayor Madsen said he knows the business licensing issues have been done. The items remaining are the striping of the parking stalls with two of them to be used for customer parking, installing the hard packed surface in the north parking lot and to limit the amount of autos for sale to the amount of regulation size parking stalls available on the properties. He has met with Mr. Emmertson twice because he didn't know the history. He was in the audience of the meeting these conditions were given and hear him consent to the items. Mayor Madsen asked Mr. Emmertson to give them a progress report.

Mr. Emmertson reported they are working on it, but it is a big project. By the time he received approval it was late in the year and he ended up putting the chain link fence up in the snow. They stopped until spring and then did more excavation and got everything leveled. One issue that keeps coming up is the storm water and if they didn't level the property this year they would have flooded the neighbors' yards. They have about 85% of the hard surface down, which is roto-mill or crushed asphalt. Right now they have the cars lined up as well as they can and still do the construction. He said he keeps three customer stalls in the front. Mayor Madsen said the two times he went there, all the stalls were full of cars for sale. The storm drain is not at issue until something happens with the property that warrants an engineered detention pond or making the City's storm drain adequate to handle the run off. Tonight they are only discussing the conditions given to him during the September meeting. He asked if everything will be completed by September and Mr. Emmertson said yes.

Council Member Bangertter understands what Mr. Emmertson is going through because his business had conditions placed on it as well. A couple of years ago the Council set a condition that he stripe parking stalls along the side of his business, which he did. With the expansion of his business, the Council is looking for the same type of conformity. He was also asked to put lighting in then, to which Mr. Emmertson said he has installed motion sensor lighting in the back so it doesn't bother the neighbors. He has tried to tackle one thing at a time so he has not put lighting in the front of his building yet.

Mr. Emmertson stated he is working on purchasing the property from Rusty Eskelson and the owners of the wedding shop. Then he could build another building, pave the lot and put lights up. He is concerned that instead of Sunset working with him, there is a lot of push back. His spending \$1.5 to \$2 million in Sunset may not happen now because of the way he approached about things. Threatening to take away his business license every year shouldn't happen.

Council Member Carlson stated this is not unique with Sunset; other cities also have ordinances and regulations and he will not get away from those wherever he goes.

Council Member Wiggill said he noticed a lot of activity on his property right after being given the conditions. He has not been on his property, but he drives by several times a day

and has not noticed anything being done lately. The Council gave him six things to do to come into compliance and he did a couple right away and the rest have not been done. Mr. Emmertson looks at it as the Council is trying to bully him, but the Council is trying to take care of his neighbors. There are cars everywhere. He has a lot more than would be allowed if the parking was striped like it was supposed to be. There will not be a City he can go to that won't require him to be nice to his neighbors. The Council wants his business here, but he has to show the Council some respect by complying with the conditions. He has had complaints of the amount of cars there and the type, such as a semi, etc. When Mr. Emmertson asked if there were any written complaints, Council Member Wiggill said he had two verbal but no written. Council Member Bangerter also said he had verbal but no written complaints. Mr. Emmertson said if the complaints are from his actual neighbors, then he doesn't want them to be upset. The Council is complaining about the amount of cars, but it's better than what used to be back there, which was trash and weeds. Every neighbor he talked to thanked him and said it looked a lot nicer. If the complaints are coming from elsewhere, he can't make everyone in Sunset happy. Council Member Wiggill said if he would just comply with the conditions given to him and people complained about other things, the Council would have no grounds to come to him. Mr. Emmertson said the biggest problem is that he has an extremely busy business and it is growing. He has put a lot of time and money into cleaning up the property.

Council Member Bangerter said the back property is not so much of interest right now except the semi-truck being parked there because that is an actual code enforcement violation. The items not done are those that concern the front of the property and that being done will determine how many cars for sale can be parked there. They are not discussing the back property. At a later time the complaints of dust, storm water and walls being engineered will be dealt with. Striping the hard packed surface, which appears to just be dirt, was discussed.

Mr. Emmertson said one of two things is going to happen. Either he will figure out a way to build a building, asphalt the parking lot, stripe parking stalls, install lights, etc. or he's moving out of Sunset. He doesn't mind temporarily striping the dirt and staying in compliance because he doesn't want to make waves, even if he does move out. Mayor Madsen repeated he has met with Mr. Emmertson twice and felt they had good conversations. With his comments tonight about the City always going against him, Mayor Madsen told him he is trying to make it simple and has eliminated some things, so he should be happy about that. Mr. Emmertson keeps saying if he has to, he'll move out of Sunset and Mayor Madsen told him that is a decision he has to make. If Mr. Emmertson completes and adheres to those six conditions, they're good. In the future, the Council will go by zoning codes and other regulations and those will be complied with; no ifs, ands or buts. For now the Council is just telling him to be accountable for those things he promised to do. This meeting is not for issues that have come up in the past.

Council Member Noyes made a motion to table this item until September 5, 2018. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

The Council went back to item #1.

1. Presentation of Trust Accountability Award from the Utah Local Governments Trust:

Jason Watterson stated this is the second time Sunset has received this award. The City has already received a check in the amount of \$1,720.15, which is a percentage of the paid premiums. The City will also receive a discount on its workers compensation premium. The real savings is the City not having injured employees, lawsuits or sewage backing up into people's homes, etc. Each year they modify the requirements based on the losses they're seeing to help direct the cities' risk management activities. He outlined some of the requirements. He said Treasurer/Office Manager Youngdell worked really hard to put together and submit the documentation for this award.

Council Member Noyes spoke of the recommendations the inspectors had made over the years to help the City keep its residents safe.

Mayor Madsen appreciated that all employees play a part in this award, but Treasurer/Office Manager Youngdell had put in all the work for it so he would like the award presented to her, which Mr. Watterson did.

3. Resolution 2018-16 approving an addendum to the Development Agreement for the Sunset Place Townhouses PUD to allow the installation of a lift station for the final 16 units of the development and to add a disclaimer for any ownership or liability to service, maintain or repair said lift station by Sunset City:

Mayor Madsen stated this had been discussed with the Council previously and the addendum has been reviewed by the Developer and the City Attorney. The Developer, Joseph Cook, said after receiving comments from the Council, they decided to put \$7,500 into the lift station account so replacing the pump system would be almost fully funded to start with. The initial cost of the pump system was almost \$10,000. They also decided to increase the HOA fees for those 16 units to bring in about \$5,000 per year and be able pay the approximate \$1,800 yearly maintenance fees. The Home Owners Association will take care of the money and there will be four different funds; one for their interlocal agreement with Roy City, one for regular maintenance, one for maintenance of their sewer line and one for the lift station.

Council Member Noyes made a motion to approve Resolution 2018-16 approving an addendum to the Development Agreement for the Sunset Place Townhouses PUD. 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.

Mr. Cook updated the Council on the Sunset Loft development on Main Street. Their engineer has completed a survey of the sewer system. Due to certain lines needing to be upgraded, they are looking at alternative methods to deliver the development's sanitary sewer. They have met with the North Davis Sewer District to determine the path with the most capacity so they'll know where they will have to upgrade the lines.

4. Consider Resolution 2018-17 amending the Fiscal Year 2019 General Fund Budget:

Recorder Hale explained Sunset had new growth via the Sunset Townhouses during the previous year. Therefore, the property tax rate was calculated with that added growth. In order to keep the tax rate Davis County has calculated, the Council will need to increase the property tax revenue budget from \$313,611 to \$325,181, which is \$11,570.

Council Member Noyes made a motion to approve Resolution 2018-17 amending the FY19 General Fund Budget. 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, Council Member Bangerter – yes.

5. Consider Resolution 2018-18 adopting the Certified Tax Rate of 0.001766:

Recorder Hale explained the certified tax rate is designed to keep the tax revenue from existing homes approximately the same each year. This past year home values have increased, therefore the tax rate has decreased. Any increase in property tax revenue is due to new growth or a tax increase voted on by the Council. Council Member Noyes noted he calculated the property tax payment for his home has gone down \$16.00 because of this rate.

Council Member Bangerter made a motion to approve Resolution 2018-18 adopting the Certified Tax Rate of 0.001766. Council Member Noyes 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, Council Member Noyes – yes.

6. Mayor, Council and Department Head Reports:

Council Member Carlson reported the tour of the watershed was very interesting. Instead of the Weber River system, they toured the Ogden River System so they started by touring the Causey Dam, then they went out on boats in Pineview Reservoir to see how they test the water, etc. and then they toured the plant. They were told when the dykes at Willard Bay were raised two feet, it increase the amount of water it will hold to the amount in three Pineview Reservoirs. He attended the North Davis Sewer District Board meeting and there is a growing concern about the algae blooms in the lakes, specifically Utah Lake. The environmental groups are blaming the sewer districts for it, but that is not the case. A man from BYU did a lot of research on Utah Lake said it was due to the minerals the lake is on. There are lakes higher up at the start of the watershed that get them also and no sewer districts dump into those lakes. Due to that the NDSB is working with the Division of Water Quality and the EPA to see where they can ultimately dump. He mentioned the upcoming Air Show at HAFB, so they talked about the Mayor getting VIP tickets to attend it and about the City donating money for the Air Show.

Council Member Smalling reported the Youth City Council did their car wash the previous Saturday and it was a pretty successful fundraiser for them. They've been working on the pumpkin patch, but it has been a little tougher for them that they thought. Council Member Wiggill said the Youth Council is also looking for a flatbed trailer for the parade.

Council Member Bangarter reported Delone Hammer passed away and his wife, Joyce, has since moved out of Sunset, but they were long-time residents of Sunset. He would like to nominate Mrs. Hammer for the Neighbors Helping Neighbors award that the previous Mayor started. Mrs. Hammer and her family accepted every assignment he ever approached them with. She kept flags at the crosswalk, helped watch the skate park facility and she was a member of the Board of Adjustment. Mr. Hammer regularly walked the City picking up garbage and watching for crime. If the program is no longer available, Council Member Bangarter would like to at least recognize Mrs. Hammer. He mentioned how the Council tries to balance businesses with residents and it is hard to accomplish. He understands it can be offensive to a business when the City tells the owner something is not appropriate and they don't like it. There is always something that will be offensive to someone and the Council's job is to try and make it all work. Business owners often threaten to leave if they don't like what the Council wants them to do. In his dealings with Clearfield, Roy and North Ogden cities, he found there are no exceptions to their rules and businesses do not get their licenses until everything is completed. He feels the Sunset Council has always been very good to its businesses. They have very often given a business their license prior to the completion of items they are supposed to do. He went on to recognize the \$500 donation from Charlie's Service for the Fun Days Car Show again this year and urged the Council to thank them. The car show is coming along well. The trophies are being done and he is looking to begin advertising for it. He thanked all the employees for their hard work.

Police Chief Eborn thanked the Council for their responses to an email he had sent them regarding his hiring situation. It is good to know they support him. Bob Higdon was an Officer for Sunset for about 18 years before he retired. He heard Chief Eborn had an opening for an officer and applied to come back. Chief Eborn believes he will stay longer than the newer officers have been sticking around. He advised recruiting officers is very hard now. 10 years ago if they had an opening, he would receive 30 to 40 applications. If Clinton had an opening, they could get from 80 to 100 applications. They have been advertising for an opening for the last six months and have only received 18 applications. Of those 18 only 7 qualified and 5 of those 7 had worked for another agency and been terminated for cause. Therefore they only had 2 applicants and one was the Sunset officer who went there. Chief Eborn ran his ad for three to four weeks and only received two applications, one of which was Bob Higdon and one was a person who was good but had not gone through the police academy and was looking for an entity to pay for him to attend. He has since received two more non-qualified applications. This has all taken place since the retirement system changed as well as what is going on with the sentiments of the public. He is lucky Mr. Higdon wanted to come back or he'd still be advertising. They discussed offering to pay for a person's police academy and putting pressure on the legislature to re-address the retirement system to make it more desirable.

Public Works Operations Manager Maylin reported they are working on Fun Days and all the major items are in place. They will be repairing a couple water leaks tomorrow. Flint's Garden has donated more pumpkin plants for the Youth City Council pumpkin patch. Director Monroe has communicated with Ventrac so they will have a tractor in their inventory Sunset can purchase in July. Mayor Madsen stated he allowed Director Monroe to

purchase a zero turn mower instead of getting the mower attachment on the Ventrac tractor so it will be easier to mow around the trees, etc. and it is less expensive than the attachment.

Treasurer/Office Manager Youngdell advised the July newsletter is the one mailed out to all the residents because it contains the Fun Days flyer and the Water Quality Report. If anyone wants an article in the newsletter, she said to have it submitted by Friday. A while ago, one of the pieces of playground equipment the Kiwanis Club donated was damaged and the City will be trying to bill the parents of the child who broke it for the repair. Chief Eborn reported the child is a special needs student.

Mayor Madsen said when the item is fixed, they will get with the Kiwanis Club and schedule a ribbon cutting on the equipment. He stated the City has three CERT trailers, with only one being stocked with emergency preparedness items. He proposed selling the two newer trailers and using the money to replace the outdated equipment in the other trailer. He doesn't see the need for three trailers in such a small city as Sunset. He would also like to store it in the Public Works Yard behind a locked gate. It was discussed and decided to put that item on the next Council meeting agenda. He was approached by two gentlemen from the IRS about setting up in the Sunset Room one day a week between February 1st and April 15th to have volunteers prepare taxes for low income residents for free. It would also be open to all employees who qualify. He will be meeting with them again on July 10th to finalize everything. He is in the process of drafting a grant to use Davis County Proposition One money for sidewalks. They require a 30% match so the City will apply for a \$100,000 grant and match it 50% by putting up its \$50,000 already budgeted for sidewalks. The Council was good with that. The complaints about pot holes have been taken care of quickly by Public Works. As to the comments made tonight on how well or not the City Council works with businesses, Mayor Madsen said they need to be a little tougher on non-compliance with regulations. It was said to him once that Sunset City is a place where people go to hide. When he questioned that, the person said a business can go there and the City ignores them. He would like to overcome that by making businesses adhere to regulations and treating them all the same.

On the subject of Animal Control reporting that the Council had previously talked about, an amendment to the City's agreement has been drafted and Mayor Madsen would like to approach the County Commission about it during the COG meeting tomorrow night. Council Member Bangerter has spoken to Commissioner Elliott and as he got more aggressive in asking for better reporting, he felt Commissioner Elliott was moving towards if he pushed too hard maybe Sunset would be looking at another entity to provide its animal control services. Council Member Bangerter tried to make it clear to him that the Council didn't have a problem paying what they were charging; they just wanted to see more detailed reports so they could better deal with any animal problems they have in the City. Therefore, Council Member Bangerter would like to sit down with him or call him to ask if the amendment was something they would consider. Treasurer/Office Manager Youngdell advised in past years Animal Control has always mailed a monthly invoice, then the last year or so they were mailing the invoices every two or three months. The last invoice the City received was for six

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months and it was just emailed to Mayor Madsen. The Council discussed this further and Council Member Bangerter will approach Commissioner Elliott.

Council Member Carlson 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 8:20 p.m.

Approved – July 17, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder