

Sunset City Corporation
City Council Minutes
July 18, 2017
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Minutes of a regular meeting held July 18, 2017 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	Council Member
Norm Noyes	Council Member
Jake Peterson	Council Member
Scott Wiggill	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Jason Monroe	Public Works Director
Ken Eborn	Police Chief
Duane Arbogast	Police Officer

Others Present:

Mark Becraft	NDFD Fire Chief
John Taylor	NDFD Deputy Fire Chief
Alana Griffiths	Sunset Youth City Council Advisor
Hanna Griffiths	Sunset Youth City Council
Laura Penman	Tyler & Michelle Argyle
Howard Madsen	Jeremiah J. & Allyson Jackson
Jason Kendall	Arlo Doyle

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

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of May 16, 2017 as presented. Council Member Carlson seconded the motion. The motion passed 4 to 1 with Council Members Bangerter, Carlson, Peterson and Wiggill voting yes. Council Member Noyes abstained because he had not read the minutes.

Approval of Vouchers: Public Works Director Monroe explained this is the final payment for all three restrooms and \$3,920 was withheld for damages due to going past the completion date of construction. Council Member Noyes made a motion to approve the voucher for Kevin Nelson Construction in the amount of \$24,545.20. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

Public Comments: Police Officer Duane Arbogast said what a wonderful job North Davis Fire is doing for Sunset. They were fabulous on a couple calls he has been on with them.

Chad Bangerter, owner of CBR, said he recently came across about \$120 worth of dog waste clean up bags he believes can be used at Rachael Runyan Memorial Park. He donated those bags to the City on behalf of Chad Bangerter Restoration (CBR).

1. **Sunset Youth City Council Report:** Youth City Council Advisor Alana Griffith stated, with the graduation of two Members, she introduced the newly elected officers. Hannah Griffith is the Mayor, Carter Furniss is the Mayor Pro-Tem, Kennie Pearson is the Secretary and Sara Winterton is the PR Rep. Youth Mayor Griffith reported yesterday they painted some more of the fire zones. To raise funds, they are planning to hold a laser tag tournament at Laser Zone on July 27th and 28th and a mud volleyball tournament on July 29th. On August 3rd at 7:00 p.m. they will hose a “Meet the Candidates Night.” They have been posting flyers and using social media to advertise. They are still looking for new members to increase their membership of 10 to 18 or 20. Once school begins, they will get the word out there.
2. **Consider rescheduling the Council meeting of August 15, 2017 to August 22, 2017 due to the Primary Election:** Recorder Hale explained a Primary Election has to be held this year and the date is August 15, 2017. That is also the regular Council meeting date, so she would like to recommend rescheduling it to August 22, 2017 when the ballots can also be canvassed.

Council Member Carlson made a motion to reschedule the August 15, 2017 Council meeting to August 22, 2017. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

3. **Appoint poll workers for the 2017 Primary and Municipal Elections:** Recorder Hale explained it is required by State Code to appoint poll workers. As part of the agreement of Davis County conducting the elections for Sunset, they have selected and trained the poll workers for the 2017 Municipal Primary and Election. The poll workers are Kristi Davis, Maryann Downard, David Koster and Suzanne Roach.

Council Member Peterson made a motion to appoint Kristi Davis, Maryann Downard, David Koster and Suzanne Roach as the poll workers for the 2017 Sunset Municipal Primary and General Elections. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

4. **Consider Resolution 2017-17 appointing Mayor Macfarlane and Council Member Wiggill to the North Davis Fire District Board:** Mayor Macfarlane explained as the Mayor she has the authority to appoint board positions with the consent of the Council. She would like to appoint herself and Council Member Wiggill as the two members of the Administrative Control Board of the North Davis Fire District in accordance with the

interlocal agreement approved between Sunset City and the North Davis Fire District. She has talked to Council Member Wiggill and he has talked with the NDFD Board Chairman, the Fire Chief and Assistant Fire Chief. They are all in agreement with these appointments.

Council Member Wiggill said, with the position he held in supporting the Sunset Fire Department, he expressed those concerns with Chief Becraft and Chair Petersen and they expressed the concerns they had with him being a Board Member. They were able to talk through those concerns and he feels very comfortable that he can continue to represent the citizens of Sunset with NDFD.

Mayor Macfarlane stated they have tried to make this transition smooth and she will continue to do so while making sure Sunset is protected. She feels very comfortable with NDFD at this time. She called for a motion.

Council Member Peterson finds it hard to believe Council Member Wiggill is the one she chose when he showed how he felt about the issue. Council Member Peterson doesn't believe he is the right fit. Mayor Macfarlane stated she put Council Member Wiggill over the fire department and he has worked with NDFD doing inventory at the fire station, has been to the NDFD station and has done a lot of things in support of the NDFD. When looking at all the assignments the other Council Members have, she felt some of them didn't have time to do the assignments they already have. Right now fire is Council Member Wiggill's assignment. She again called for a motion.

No one made a motion so Mayor Macfarlane continued to the next agenda item.

5. **Consider Resolution 2017-18 amending the Sunset City fee schedule:** Recorder Hale explained the fees were discussed during budget sessions and the utility increases are as follows: Base residential water fee - \$0.25; Base commercial water fee - \$0.50; Sewer (increased by North Davis Sewer District) - Base rate - \$3.00; Commercial over 10,000 gallons - \$0.03 per 100 gallons; Storm water - \$0.50 and Animal Control fees were added to Dispatch fees - \$1.00. This is a total increase to the base utility bill of \$4.75 per month.

Recorder Hale advised she and Treasurer/Office Manager Youngdell discussed other changes and they suggested, due to State legislation, the Home Occupation fees for no customers coming to their homes be changed from \$30.00 to \$0.00. The Park bowery rental fees were broken out for different times of day and with or without services. When other cities' fees were researched, they found just one fee for residents and one fee for non-residents. The suggestion is to stay with \$15.00 for residents and \$35.00 for non-residents and delete the other options. Due to the fire service transition, it was suggested to delete the fees for fire reports, ambulance transports, fire incident cost recoveries and hazardous materials. At Council Member Carlson's suggestion, Recorder Hale mentioned she had received a letter from Econo Waste stating the company they haul the recyclables to for free, now has to charge a fee since it is no longer equitable for them. The fee will ultimately cost the residents about \$0.40 per can, but there is enough funding in the garbage department to cover the cost this year so there won't be an increase until next year.

Council Member Bangerter made a motion to approve Resolution 2017-18 amending the Sunset City fee schedule. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peterson – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes, Council Member Bangerter – yes.

- 6. Discuss the draft amendment to the AT&T lease agreement:** Recorder Hale advised she had emailed the Mayor and Council Members the conversation she had via email with a representative of AT&T. AT&T has a lease agreement with Sunset City for a portion of ground around the cell tower at Central Park, which is used to house the equipment necessary for their antennas on the cell tower. AT&T would like to amend the agreement to lower the lease payments to Sunset City. Recorder Hale needs to get the Council's feedback to give to their representative.

Mayor Macfarlane said she does not believe the lease payments should be reduced and would like to know what the Council Members think. Council Member Carlson agreed with Mayor Macfarlane and explained AT&T claims there are a lot of other sites they compared with that are a lot cheaper. He believes the cell tower location in Sunset is prime land now. Council Member Bangerter believes they are just fishing; that if they were serious they would be standing before the Council talking to them face to face. He does not like that they just sent a letter. They have an agreement and they should stick to it. Council Member Peterson and Council Member Wiggill stated they felt the same way.

- 7. Mayor, Council and Department Head reports:** Council Member Bangerter reported he and Spencer King, owner of VK Electric located on 1300 North, got things worked out about the storm water problem on his property and the fence he is required by ordinance to erect. Mr. King and Dominion Energy (formerly Questar) have submitted letters stating they are working together on the front fence. Mr. King's letter stated the fence will be completed by December 31, 2017. Council Member Bangerter told how Dominion Energy first presented a plan for a stamped concrete fence around their natural gas converter station and then wanted to just install chain link fencing instead, but they were told they had to build what they had proposed. Dominion Energy also had advised the City they would be running a pipe down 1300 North this year so the road project Public Works Director Monroe had planned last year was moved to 2300 North. Now Dominion Energy is not going to do that at all. Defining opaque in the Sunset ordinance needs to be done. A section addressing wind load needs to be added as well. VK Electric is going to be allowed to put up a chain link fence with thick slats similar to Maverik's fence along its west side. They are also putting in some type of diversion to keep storm water away from the retaining wall so it doesn't run into the neighbors' yards. Council Member Bangerter reported that U-Haul presented a plan for 1200 N. Main to the Planning Commission last week. There were some items the Commissioners wanted revised, so they will meet again tomorrow. U-Haul is in the process of purchasing the property and the development will be corporate-type. There will be some climate controlled indoor storage, some outside covered RV storage and they will sell propane and other storage or moving related items. There are two other similar operations in Utah; one in Ogden and one in Salt Lake City and Council Member Bangerter believes this

one will be their premier center. Council Member Bangerter advised about 200 flyers for the car show have been distributed and he has received donations from three businesses; Charlie's - \$500 (\$250 for car show and \$250 for Fun Days), Discount Body Supply - \$250 and merchandise to be raffled from Les Schwab in Roy and Riverdale and O'Reilly. Council Member Bangerter said he has been in City government for 10 years, has been on the Council bench approximately 240 times during that time and he has seen a lot. Saturday morning, after the Fire Department closure, and what he saw from a Department that prided itself was unbelievable. The Fire Station was a mess; practice dummies lying on the staircase; papers thrown all over, etc. When he was the Mayor, Fire Chief Lowman gave him the shirt he was wearing and it means a lot to him because he supported the Fire Department. He supported over \$1 million by approving the Fire Department budgets year after year. Recently, the Fire Department had bought the Mayor and Council Fire Department shirts. He pulled off the shirt he was wearing to reveal the shirt recently purchased for him by the Fire Department. It was shredded. It was what he found on the pool table of the Fire Department on Saturday. The tax payers ultimately paid for his shirt. He passed out shirts in the same condition that had the names of Council Members Noyes and Peterson on them. The pride the firefighters said they had is really shown by the way they act. When he was Mayor, the Council had discussions with the Fire Department about the ambulance and he didn't think it would bring in the revenue they said it would. He was wrong; it did bring in revenue, but it put a burden on this City that the audience members don't understand because they have not attended the budget meetings. He and the other Council Members continually get re-elected because they know what they're doing. If he doesn't get re-elected in two years, he knows he's done the best he can do. He has also represented the City at County and State meetings. The North Davis Fire District is an awesome group of men and women. The greatest thing about the Sunset Fire Department was the training it provided for virtually nothing and those firefighters who were trained have moved on to other Fire Departments, but Sunset cannot continue to provide that service. The District has a \$3.5 million budget and can provide Sunset with the same fire and ambulance service at the same cost to residents. It amazes him what is being said in the City, such as the Council is the "Coalition of Corruption". He received calls from two residents yesterday who said they saw Council Member Bangerter's name on the petition as the Mayor Pro-Tem and signed the petition knowing if Council Member Bangerter supported it, it was a good thing. People are passing around a petition to get this back on the ballot, but they voted the present Council into Office so they should trust them. If the referendum is approved during the Election, he believes the residents are not going to like it because it will drag on forever. He has not seen any respect for the Council from the Fire Department since he has been here. Mayor Macfarlane stated she attended a Military Affairs event to honor the military and their families. She asked Council Member Bangerter to attend Chamber of Commerce meetings and thanked him for the work he has done.

Council Member Carlson reported the Mosquito Abatement is finally able to do some drone testing to see how well they can see through the trees to find water collections. The company they're doing the testing with has a drone that can carry 500 lbs. so in the future it can be used to spray for mosquitoes. That will save a lot of money in not having to fly the aircraft because they spend almost \$50,000 per month for it. There is a company going around

spaying people's yards for mosquitoes and other insects. When the sun goes down, the bees go into their hives and the mosquitoes come out and that is when they should spray for mosquitoes. Apparently, the company is spraying one area during the day and it is killing a lot of bees. Anyone who has a mosquito problem can call the Mosquito Abatement and they'll come by and spray. The District is redoing their no spray zone policy where a land owner can establish a no spray zone. Some bee keepers are being able to place their hives on other people's property and then call in for a no spray zone. The District is changing the policy so the actual land owner has to establish the no spray zone. It costs the District about \$2 million a year to fight mosquitoes.

Council Member Noyes stated he was contacted today by a resident who was approached by one of the people seeking signatures for the referendum. He appreciates their right to do that, but some of the things this resident was told by the signature seeker borders on fraud and the person was being extremely slanderous towards some of the Council Members. Council Member Noyes wanted to publicly defend Council Member Bangerter. He said he has been with this City for over 30 years and there is not a resident in the City who has given more out of his own pocket and more time than Council Member Bangerter. For him to be slandered like he is being, upsets Council Member Noyes a great deal. He appreciates the legal process and if the residents vote to get the fire department back so be it, but it should be done in an appropriate manner without the kinds of things being posted on Facebook, etc. The Council has not attacked anyone and they would appreciate the same. The resident who called him was very concerned and offended by some of the things said to them at their door.

Council Member Peterson met with the City Engineer to get preliminary drawings for the Veterans Memorial with cost estimates and he has two options. Of the two options, he would prefer granite because it will last forever, but it is a lot more expensive. He would like to begin fund raising and asked the Council's okay for it. He wants to set a goal for about \$50,000. If anyone has any suggestions, he asked them to contact him. Council Member Peterson is contacting all the Veterans Committee Members so they can begin planning the Veteran's Program. The Veterans Memorial cost estimate, donations and gathering veterans' names were talked about. Council Member Peterson stated the Sunset Youth City Council has very motivated advisors who accomplish a lot and he thanked them for it.

Council Member Wiggill reported he and the Citizens Corp are still actively putting a list together for the materials needed to stock the other two trailers. He is not sure if they are doing anything for Fun Days or not, except for their assistance with fireworks.

Mayor Macfarlane advised two sidewalks have been put in with Proposition 1 funds from UTA and will see more improvements as money becomes available. She noted when the Sunset Council decided not to approve the UTA budget they asked Mayor Macfarlane why. She told them some items she had asked them for has not happened and the Council was not comfortable with their budget. It was then discovered UTA has money set aside for each City through Proposition 1, so the sidewalks were put in. She said it is frustrating because, unless cities ask about funding, they don't know what funding is available to them.

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Treasurer/Office Manager Youngdell advised the newsletter was mailed out this morning and she appreciated the hard work the employees did to get them out to the residents. She reminded Council Member Bangerter that a special Planning Commission will be held tomorrow and there are three businesses going before them. She said Council Member Peay worked really hard to gather a list of veterans and the Administration Department helped by gathering names at the counter. She has passed the list on to Council Member Peterson. She asked that residents give them names of veterans they know after getting that veteran's permission to do so.

Police Chief Eborn reported last week, Clinton City had some problems between two groups of people in their park the night of their Heritage Days fireworks display. It resulted of several people being arrested and others kicked out of the park. They had enlisted some other help that night because of it. The two people they believe are the main instigators of the whole problem live in Sunset. Therefore, Sunset might have the same problem during Fun Days, so he has enlisted the help of Clinton for additional Officers from 6 pm to midnight. He might even reach out to Davis County to have a Deputy or two in the park as well. An incident of that size would be difficult for Sunset's 8 Officers to handle, so he'd rather be safe than sorry. He has spoken with Allyson Jackson and there will be CERT members in the park to walk the perimeter during the fireworks display.

NDFD Deputy Chief Taylor reported they have run 24 calls in Sunset since July 1st. He had given Mayor Macfarlane a report from Dispatch showing the calls and response times. He explained when they get paged out for medical calls, they vary in degree for response from Alpha to Echo, which means their response time also varies. For an Alpha call they obey all traffic laws. For the Charlie, Delta or Echo responses they have responded to Sunset in 2 ½ to 3 minutes. They have begun doing business inspections and have been warmly welcomed by the business owners. Over the next month or two, they should have gone into all the commercial businesses. They only inspect home businesses if they do child care. NDFD Chief Becraft said normally they'll give an update on the calls. They average 200 to 300 calls per month, of which last month 24 were in Sunset. They are receiving two new ambulances and they will be housed at the Clearfield Station, so they could be used in serving Sunset. Dep. Chief Taylor advised Clearfield City's CERT Manager is very interested in including Sunset CERT in their classes. She periodically does this with West Point and Job Corps CERTs. The NDFD firefighters help teach those classes and help in any way they can. Mayor Macfarlane said Chiefs Becraft and Taylor attended the Department Head meeting and have coordinated very well with the other Departments in the City. She felt the transition was going very well. She took a tour through their station and was very impressed. She will have them attend her Department Head meetings, but she won't have them come to all Council meetings because the other boards she and the Council Members sit on do not have representatives that attend the Council meetings. However, the Chiefs can come to any Council meeting where they are needed. They have gone above and beyond to let the citizens know about them and to clear up any misunderstandings about the transition.

Public Works Director Monroe thanked the Youth City Council for painting the curbs in front of the fire hydrants. About 90% of the City is done due to the work of an Eagle Scout

project and the Youth Council. He said they are almost ready for Fun Days and listed the events. The pergola they are building will be done by then. Mayor Macfarlane stated they built the pergola on top of all the other things they do on a daily basis and it will be a great addition so parents can have a little shade while they watch their children play on the playground equipment. Director Monroe noted he had sent the cross section for the 800 North grant project and needs three Council approvals so they can finish up the environmental impact statement. They have taken 16 core samples from four different sections of 1300 North and from the looks of it, they won't be able to roto-mill too far down or they'll end up having to completely redo the road with 12" of road base and brand new asphalt.

Mayor Macfarlane advised they may have two Colonels from HAFB in the parade and she has requested an F-35 fly-by, but doesn't know if that will happen because they don't normally do that outside of National holidays. She attended the North Davis Sewer District board meeting where they talked about the certified tax rate for operation and maintenance. They have a \$3.00 increase scheduled for the next couple of years and there is already a lot of money in the fund balance, but that is because there are a lot of capital projects to be done over the next few years. The Kiwanis Club furnishes the flags the Public Works employees put up around the City Building on holidays. The money raised by selling the flags covers the "Hope of America" awards given out at the schools. She reminded everyone of the Meet the Candidates night on August 3, 2017 at 7:00 p.m. and asked that everyone pass the word along.

Council Member Peterson thanked CEC Engineers for donating their time and support on the Veterans Memorial. Mayor Macfarlane thanked the Council Members for their hard work and efforts on their assignments. She also thanked the residents for their support.

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

The meeting adjourned at 8:15 p.m.

Approved – August 22, 2017

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder