

**Sunset City Corporation  
City Council Minutes  
July 19, 2016  
Page 1 of 9**

Minutes of a regular meeting held July 19, 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	Council Member
Norm Noyes	Council Member
Trystal Peay	Council Member
Scott Wiggill	Council Member

**City Employees Present:**

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
James Weston	Fire Chief

**Excused:**

Jason Monroe	Public Works Director
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**Others Present:**

David Bowers	K.R. Bowers Co./Questar
Chris Balling	Questar
Spencer King (arrived 7:25 p.m.)	VK Electric, Inc.
Jon Ellsworth	Planning Chair
Terry Avondet	Sunset Citizen Corps
Neil Coker	Travis Dyer
Janet D. Lujan	John Watts
Bruce Cook	Michael Love

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

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

**Approval of Minutes:** Council Member Bangerter made a motion to approve the minutes of July 5, 2016. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

**Approval of Vouchers:** Council Member Noyes made a motion to approve the vouchers for Young Chevrolet, Wells Fargo & Davis County Governments totaling \$46,140.05. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

**Public Comments:** John Watts stated in the past Sunset Fun Days was held during a time he could attend, but this year it was held during his annual family reunion. He would like to attend the celebration and be in the parade as he has for many years. He asked if they could possibly hold it in July.

Neil Coker said he had looked at the plans for BK Electric and had shown Mayor Macfarlane and two Council Members the property. He believes there needs to be a privacy wall constructed where the chain link fence is now. There is about 8 to 10 feet difference in elevation there between the business property and the residential neighbor. The neighbors would like a privacy fence installed to help keep their yards private. He also asked that the lights be put in so they don't shine into the residents' yards. Right now a security light has been put in at the Winegar building that blinks on and off all night long and is annoying. There is a dumpster in the back of that building that is emptied during the night making quite a bit of noise. The property that BK Electric is going into is currently known as the Sunset junk yard instead of an RV storage yard. He believes when Sunset RV Storage was first located there they were supposed to asphalt it, but they never did. He does not believe road base and gravel will be enough to stop the weeds this time either and the dust will be blown into the residential homes.

Bruce Cook advised he is the resident directly west of the existing buildings and the new light is exactly as Mr. Coker said. There is graffiti on the wall. He would also like a privacy fence built behind the proposed building. This new business needs to be done right so they don't get the same mess as is there now with 4' tall weeds.

Travis Dyer said he lives next to Mr. Coker and his concerns are the same as his. His bedroom faces that way and can't have lights shining into it. He also said that new flashing light is quite the nuisance.

Michael Love thanked everyone involved in putting on Fun Days; it was done well and the fireworks were great. He was at the Rachael Runyan Memorial Park for a soccer tournament and the walking track there is uneven and starting to break apart, especially on the south side. Being the Sunset Stake Sports Specialist, he would like to get a copy of the agreement between Sunset and the LDS church.

- 1. Sunset Youth Council report:** Youth Mayor Furniss reported the Youth Council did really good with the Pepsi trailer and dunk tank during Fun Days. They also did well when they manned the Pepsi trailer during the AYSO soccer tournament. She thanked Public Works for putting that together for them. They will be volunteering at the Lantern House soup kitchen in Ogden this Thursday. They will be helping with food donations August 1<sup>st</sup> at a location in Layton, then they will help with a car show at a care center September 23<sup>rd</sup> where all donations go to the Special Olympics. Mayor Macfarlane thanked them for doing such an awesome job.
- 2. Consider awarding the bid for the 2016 Roadway Improvement Project – 1300 North Street:** Scott Nelson, the Engineer for Sunset City, named the five companies who submitted bids for this project; Post Asphalt, Advanced Paving & Construction, Staker &

Parson Company, Granite Construction and Consolidated Paving & Construction. He said they are all premier contractors, do many projects for many entities and were all fairly close in their bids. He recommended Post Asphalt be awarded the bid at \$108,610. The bid documents contained running a storm drain to adequately handle the output of any company that purchases and develops the Sierra R.V. property. Once the road is completed, they would like to place a moratorium on the road to prevent contractors from digging in the road for a period of time. Questar has indicated to him they may be digging up their line down 1300 North to update it next year. The City would not want them to dig up the road after just spending a lot of money to redo the road.

Chris Balling, Representative of Questar, said he just found out today that Questar is planning on doing the feeder line replacement next year. They are on a 30 year replacement schedule. It is too late in the year to do this year and they would not want to delay it to avoid any problems. Mr. Nelson suggested either tabling the project until next year, which he does not believe anyone wants to do, or have Questar choose another location. Council Member Bangerter said they have known for 6 months that Questar wanted to move their gas regulator facility away from the freeway to this general location. It is for the safety of the community because the valve up there is very old and other things could happen at that location. Questar has to replace their line on this road. It has nothing to do with their move; the existing line needs to be replaced. Mr. Balling stated a project this big cannot be thrown together and started in August because the line has to be fully charged to service the customers by October. Council Member Noyes suggested moving the project to 2300 North this year and postponing 1300 North. Mr. Nelson said that could be done, but he would need to contact Post Asphalt to make sure they would honor their bid at the different location. Council Member Noyes asked him to discuss it with Public Works Director Monroe before talking with the contractor. The Council Members agreed.

Council Member Noyes made a motion to table this item until they decide what to do. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

- 3. Consider the conditional use request from Questar to be located at 369 N. 1300 W.:**  
Kevin Bowers, Broker for Questar, said they are proposing to move their gas regulator facility from the top of 1300 North on Main Street to the Barber property located at 369 N. 1300 W. They would have a 100' x 52' enclosure with a metal building in it to house the regulator and there would be two valves outside the building to control the gas coming in at 400 psi and leaving at 40 psi for distribution in the area. The enclosure will be set back almost 70 feet from the street and the easement will be 30 feet wide by 70 feet long. The area will be enclosed with a concrete wall that is stamped to look like stone and a rod iron gate on the front. The main gas line parallels Main Street and that line will still be there after they move the regulating facility.

Planning Chair Ellsworth explained the Planning Commission's recommendation is to approve the conditional use request based on the plans provided including the condition that street access to the facility ties in with the business next door so there is just one curb cut

instead of multiple ones. The size of the curb cut has not been discussed yet. When asked about security for the facility, Mr. Bowers said he was not aware of any.

Council Member Bangerter made a motion to approve the conditional use request from Questar with the condition proposed by the Planning Commission. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

4. **Consider the conditional use request from VK Electric, Inc. to be located at 369 N. 1300 W.:** Council Member Noyes made a motion to table this item as the owner of VK Electric, Spencer King, is not present. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.
5. **Mayor, Council and Department Head reports:** Council Member Bangerter mentioned the trouble going on in the world with the Police Officers and other people serving the citizens. He asked that everyone be mindful of the local Police Officers and Fire Fighters. He believes the instantaneous videos of the incidents make it worse. He reported the developer interested in the Sierra R.V. property has decided to locate in another city south of here. The realtor for the Sierra R.V. property has said there is still quite a bit of interest in the property. Council Member Bangerter asked Planning Chair Ellsworth how they are coming on the City's general plan. Chair Ellsworth said they are very close and would like to set up a work meeting with the Council to go through it before completing the draft.

Council Member Carlson explained there have been some issues with the Zika virus lately and the Centers of Disease Control (CDC) has been at the Davis Mosquito Abatement District helping with research. The type of mosquito that carries the Zika virus does not live in Utah, so everyone is baffled how a person has contracted the disease.

Council Member Noyes said, since he was not able to attend the last Council meeting, he wanted to mention not many people realize how much work goes on behind the scenes to pull off Fun Days. It takes an enormous amount of effort and manpower and the Sunset employees do a great job. He thanked all the employees for it.

Council Member Peay reported the Youth City Council has been putting in a lot of service hours with her for the seniors. They will be going to Family Connection to help with donations and the Lantern House to serve in the soup kitchen. They will hold a thank you party in September for them so they can have some fun. She thanked the Public Works employees for helping the Youth Council set up the Pepsi trailer and dunk tank during Fun Days. She has had a lot of residents thank the City for the new picnic tables.

Council Member Wiggill stated the Citizens Corp did a great job during Fun Days. The person in charge of CERT has resigned. One of the items they wanted to get done is an inventory of the items they had so he will get with the Fire Chief and a couple members of the Citizens Corp to do that. The Fire Department had a bunch of first year Navy people

there they were providing some training to. He thanked Chief Weston for setting that up. He has been approached by three different residents about the condition of some of the vacant homes. One of the residents wanted to know if they could have the Boy Scouts go around and clean them up. Council Member Bangerter stated there is more of a liability issue with youth. Police Chief Eborn said the City cannot ask the Scouts to do it because if anyone gets hurt the City is liable. If a group decides to do this as a service project, the worse thing that can happen is if one of the owners does not like them doing it, they may call the Police Department and ask the group to be removed as they were not authorized to be there. The Police Officer will ask the group to leave, but he will also issue the property owner a citation for the condition of the property. If the Scouts decide to do this, he asked Council Member Wiggill to have them contact him so he can see if he can contact the owner and obtain permission for them to be there.

4. **Consider the conditional use request from VK Electric, Inc. to be located at 369 N. 1300 W.:** Spencer King arrived at 7:25 so the Council decided to discuss this agenda item and go back to number 5 when done. Mr. King explained they plan to build a new shop/office for retail electric and wireless. They don't do any manufacturing; the building would just house their equipment and trucks. The building would be 110'x50' and built towards the back of the lot. They will clean up the lot, work with Questar to redo the front fencing, install some lighting and maybe a small ground sign. Mayor Macfarlane summarized the residents' concerns from the public comment period. Mr. King said they would install pole lights on the west side with directional heads pointing to the east (commercial) side so it wouldn't encroach on the residential neighbors. They will grade the existing dirt road that goes around the property for their use and install block or other opaque fencing along their property that abuts residential properties.

Planning Chair Ellsworth reported the Planning Commission's recommendation to approve this conditional use with the following conditions: 1) install lighting directed away from the residential properties, 2) put down road base with gravel on the lot, 3) ongoing weed control, and 4) the business sign will be a ground sign. They were impressed with Mr. King and believe he will keep the premises clean and weed free.

Council Member Bangerter asked if the roadway around the property known as a fire lane is necessary to keep. Fire Chief Weston said, after some research, they don't believe it was a fire lane but a road for deliveries to Winegar's grocery store when it was there. The Fire Department only requires access to the proposed building. Council Member Bangerter received clarification that Mr. King's plan was to grade or redesign the sloped property from the current used portion to the residential properties. He is also concerned with a storm water issue and said it would need to be addressed, along with following the City's fence ordinance, which requires a 6' opaque fence be erected between commercial and residential properties. Council Member Noyes said the storm water issue depends on the surface that is used and calculations would need to be done to see what type of storm water retention is needed. Council Member Bangerter is concerned about only putting down road base for when a wind storm comes up and it dusts the residents. Normally they would like to see asphalt put down to avoid dust and weeds. Mr. King stated they would be laying down 9

inches of recycled asphalt and rolling it, which makes it almost as solid as asphalt, then they'll put gravel on top of that. That will prevent most weeds from coming through.

Council Member Bangerter made a motion to approve the conditional use for VK Electric, Inc. to be located at 369 W. 1300 N. with the following conditions: 1) install lighting directed away from the residential properties and if there are complaints they are to be addressed immediately and fixed within 15 days; 2) put down road base, which is recycled asphalt, with gravel on the lot; 3) ongoing weed control; 4) the business sign will be a ground sign; 5) storm water will be addressed by Public Works Director Monroe and Code Officers; and 6) the City's fence ordinance will be followed with a 6' opaque fence erected along the any part of VK Electric's property that borders residential property. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

5. **Mayor, Council and Department Head reports (continued):** Treasurer/Office Manager Youngdell reminded the Council about an email she'd sent out to them regarding Senator Mike Lee asking to hold a 'mobile office' in the Sunset Room for a couple of hours and having the fee waived. She was informed today they had reserved a room with Clearfield City, but still wanted her to pursue the issue of waiving the room fee if they wanted to use it in the future. She asked the Council to think about it and asked if they would like to have this put on the next agenda. The Council Members agreed they did. Treasurer/Office Manager Youngdell then reminded the Council about the ULCT convention in Salt Lake City, September 14-16 and asked them to let her know soon if they were going. She stated she still has not received a list of volunteers for the City as the insurance representatives had recommended they have. The Planning Commissioners would like to hold a work meeting with the Council on the General Plan so they can make sure they are going in the direction the Council would like them to. They would like to hold it on August 16, 2016. The Council agreed to hold it after the regular session on that day.

Public Works Operations Manager Maylin advised they need to finalize the date for the 2017 Fun Days celebration so they can begin preparing for it. Mayor Macfarlane asked to put the item on the next agenda. Operations Manager Maylin reported they are beginning to paint the crosswalks and other items on the streets so they will be done by the time school starts. He gave an update on the City well work being done by Weber Basin Water. They are checking everything before they begin the real work on it.

Fire Chief Weston advised he was contacted by the Department of Defense Navy branch to provide some basic training to about 30 Navy recruit firefighters before they attended basic training. The Fire Department has been called to help fight grass fires in Riverdale and Clinton this past week.

Police Chief Eborn thanked the employees, Council Members, Mayor and others who contacted the Police Department to check on the Officers in light of the recent tragedies in the Nation. He has been a Police Officer for a lot of years and has met a lot of other Officers. He feels 99% of those Officers have good intentions and are doing the right things in the job.

There are just a handful of them who have made bad decisions. He has heard a rumor that the Governor might attend the Rachael Runyan Memorial event on August 26<sup>th</sup>. They have made some progress in the weed and junk issues around the Winegar building although the graffiti still needs to be cleaned up.

Mayor Macfarlane spoke of the heartwarming support for the Police Department made by so many residents of Sunset. She has asked to be kept informed of what is going on in the City so she can answer any questions from residents. The new park restrooms are coming along nicely. The Kiwanis flags have been put out over the holidays and she is trying to get them up all along Main Street. She is President of the Kiwanis Club this year representing Sunset. She attended the Planning Commission meeting and thought it was interesting to see what new businesses are going in. She will be meeting with COG tomorrow. Chief Eborn and Attorney Murphy will be attending some training for the Judge Interviewing Committee. She thanked the Council Members for their hard work in the City. She acknowledged the beautification door hangers are being well received.

Council Member Bangerter made a motion to go into the work session after a 10 minute break. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

### **WORK SESSION**

**To discuss the employee vacation pay out section (8.3.3 E) of the Sunset Personnel Policies & Procedures:** Mayor Macfarlane asked Treasurer/Office Manager Youngdell to read the current policy, which she did. Mayor Macfarlane read the minutes from 2007 and 2008 when this policy was first considered for Council Member Wiggill as he did not know the background. When asked what her feelings on the policy was, Treasurer/Office Manager Youngdell responded many employees have taken advantage of the policy, but a few years ago employees were made to feel they should not request it and since then they have been apprehensive to request it. She feels if they are going to have the policy it should be funded. If they don't fund it, they should do away with the policy. Previously, when the requests were granted the funds came out of the department the employee worked for and it could cause the department to be over budget or the budget is opened to increase it.

Council Member Bangerter said the money is available to pay the employees for their vacation hours if they were to leave because it is a liability owed to them and must be paid; it just has not been budgeted for. Sometimes equipment or something has not been purchased in order to pay for the vacation hours. Mayor Macfarlane said she has an issue with employees who have accrued more than the 480 hour cap and ask to be paid for those hours each year because that can happen year after year. Treasurer/Office Manager Youngdell said there are employees who have a hard time taking their accrued time off due to the type of job they do, where other employees are able to take their time off. Council Member Noyes said they are punishing employees who are here every day by taking their accrued vacation hours away from them when they are unable to take the time off. It is different in a small City with a limited amount of employees. Chief Eborn said there are many reasons for the Sunset Police Officers to go to another City and other cities are recruiting Sunset Officers. He fears

that each time the City takes away a perk, it makes it more tempting for them to go to another city.

Treasurer/Office Manager Youngdell explained if every eligible employee took advantage of the existing policy during the year, it could cost the City \$31,289. If the Council changed the policy to a maximum of 50 hours, it could cost the City \$21,157 and if the policy was changed to allow only 40 hours, it would be \$16,885. Chief Eborn suggested offering employees a tiered incentive to stay employed in Sunset. He gave an example of not being eligible for the program until they have put in 5 years. At that time they could cash out x amount of hours, after 10 years a little more, 15 years a little more than that and so on. He also suggested writing in the policy that an employee on probation or an employee with a written reprimand in his file within the last year is not eligible for the cash out. Each year, the Council will decide during the budget meetings whether they can fund the policy or not. If it is funded, the employees won't be denied their request and if not funded, the employees will know they cannot request it. Council Member Noyes will work with Chief Eborn and Treasurer/Office Manager Youngdell to get a policy drafted and brought back to the Council for approval and possible funding. If it is decided to fund the policy this year, a public hearing will be required to open the budget.

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

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

### **CLOSED SESSION**

**To discuss the purchase, exchange or lease of real property if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.**

Present: Mayor Macfarlane, Council Member Bangerter, Council Member Carlson, Council Member Noyes, Council Member Peay, Council Member Wiggill, Recorder Hale.

The Council discussed the purchase, exchange or lease of real property because public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms.

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

**Sunset City Corporation**  
**City Council Minutes**  
**July 19, 2016**  
**Page 9 of 9**

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

The meeting adjourned at 9:35 p.m.

Approved – August 16, 2016

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder