

**Sunset City Corporation**  
**City Council Minutes**  
**August 2, 2016**  
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Minutes of a regular meeting held August 2, 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:**

Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director
Chris Whetton	Asst. Fire Chief

**Excused:**

Susan R. Hale	Recorder
James Weston	Fire Chief

**Others Present:**

Terry Avondet	Sunset Citizen Corps
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The meeting was called to order at 6:30 p.m. by Mayor Macfarlane.

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

**Approval of Minutes:** Council Member Bangerter made a motion to table the minutes of July 19, 2016, as they are not finished yet. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

**Approval of Vouchers:** Council Member Carlson made a motion to approve the voucher for Kevin Nelson Construction in the amount of \$60,733.50. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

**Public Comments:** Terry Avondet commented on agenda item number seven regarding a fee waiver on the Sunset Room. She feels this is in Mike Lee's request to use it free of charge and she does not like that. She does not feel it is fair for the residents of Sunset to waive the fee for politicians; if they do it for him they'll have to do it for all politicians. She believes it is a different story if it is for a non-political fund raiser for someone's medical or funeral expenses.

1. **Discuss 2016 Roadway Improvement Project – 1300 North Street alternatives and award the bid for the 2016 Roadway Improvement Project:** Public Works Director Monroe stated he met with Post Construction on doing 2300 North and they have a good plan for that street. They should have the cost figured out by Friday. He will also meet with Council Member Noyes to work out the Sierra R.V. storm drain issues so they can do it at the same time. He will have hard figures for them at the next Council meeting. Council Member Carlson felt they should not do anything with either street this year and do all of 1300 North down to 450 West next year after the gas line is fixed. When asked, Director Monroe said it would nullify the current bid and the money could be saved for next year. Council Member Bangerter said for years they haven't done the roads that need to be fixed so if this one needs it they should get it done. Council Member Noyes believes 2300 North does need to be done and they should support the recommendation of the Public Works Director. Director Monroe said his concern with doing all of 1300 North next year is that 800 North will be torn up most of next year with a huge project. Mayor Macfarlane also believes 2300 North should be done this year. Director Monroe had hoped to have the figures tonight for approval, but won't have them until Friday so he will bring this back at the next meeting.

2. **Presentation by Todd Marx of Gunnerson Consulting & Communication Site Services:** Todd Marx advised Gunnerson Consulting & Communication Site Services works for the benefit of the government agencies and private property owners whose properties the cell towers are built upon. They look to keep the property owner in control and come up with a fair market value based on their data base. They have consulted for a number of private property owners, government agencies, charitable organizations and property management groups.

Council Member Bangerter advised the City has two cell towers on City property and this company could help with renegotiations, if any ever arise, and on any new small cell systems in the future. He suggesting keeping this company's information on file in case they need their consulting services. When asked about the company's location, Mr. Marx replied he lives in Layton, but the main headquarters are in Washington. He said they would review any proposal the City may receive for no charge and if they can improve the contract or installation then it can be decided if the City wants to hire them.

3. **Discuss the employee vacation pay out section (8.3.3 E) of the Sunset Personnel Policies & Procedures and schedule a public hearing to increase the FY2017 budgets:** Council Member Noyes, Treasurer/Office Manager Youngdell and Chief Eborn formed the committee to discuss this issue. They discussed making sure the policy is funded every year and break down on years of service to get incentive for employees to stay longer. They believe this is fair and Council Member Noyes asked for the opinions of the Mayor and Council Members. Mayor Macfarlane stated the employees are pretty well staying within the boundaries on vacation and comp without receiving a pay out. Her recommendation is to do away with the policy because some departments have bigger budgets than others and those employees have a better chance to get the pay out. Council Member Bangerter said it is not about how big a department's budget is; it's about what the City budgets for a policy drafted

to entice employees to stay here. It has not been funded due to the City's inability to do so in the last few years. Prior to that the employees were granted vacation payouts.

Council Member Noyes commented that the present wording where the policy won't be honored if the City does not have the money to fund it can stay because if the Council chooses not to fund the policy one year, no one can have a pay out. Why they don't want to give incentives, baffles him because happy employees serve the community better. He recommended keeping the policy. Mayor Macfarlane stated this policy is not funded at this time and she still recommends it be discontinued. It was stated the policy can be funded if the Council holds a public hearing and amends the budget. Council Member Wiggill asked if all the committee members were in agreement on the proposed policy. Council Member Noyes stated the policy is a good representation of their ideas and some of the items in the policy were at the recommendation of Council Member Carlson during the previous Council meeting. Mayor Macfarlane said if they want to have this policy, it is not funded this year and she would like to wait until the budget sessions to see if they can fund it next year. However, her preference is to do away with the policy altogether. She asked for the opinions of Council Members Carlson, Peay and Wiggill. Council Member Carlson likes the tiered schedule in the proposed policy and would like to open the budget to fund it. Council Member Peay is okay with how the proposed policy is written and if the Department Heads are okay with the way the years are broken down, she is okay with it and trusts them. She would be interested to see the cost of it for this year to see if they would be able to fund it. If it is feasible she would like to hold the public hearing and fund the policy this year. Council Member Wiggill would like to take the advice of the committee.

Mayor Macfarlane asked Treasurer/Office Manager Youngdell what would be fair for all departments because some have larger budgets than others. Treasurer/Office Manager Youngdell clarified each department would have a new line item to budget for the maximum vacation payout that could be claimed each fiscal year so it would not matter if the department's budget was large or small. Mayor Macfarlane asked what would happen if there were five people who would qualify for the payout, but there was only enough money to fund three of them. Treasurer/Office Manager Youngdell recommended budgeting for the maximum that could be paid out, so it would be all or nothing. Mayor Macfarlane said that would work; she just didn't want any department getting slighted.

Council Member Bangerter made a motion to approve the vacation payout change in the Sunset City Personnel Policies and Procedures as written on the page provided. Council Member Noyes 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 schedule a public hearing on September 6, 2016. They will receive the figures before then and if there is not enough money to fund the policy the public hearing can be canceled. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

4. **Consider Resolution 2016-13 authorizing execution of a quit claim deed transferring all right, title and interest of Sunset City to the only party having any interest in the 20'x30' parcel located at approximately 170 W. 1800 N.:** Mayor Macfarlane explained Dr. Trotter's office building is sitting on top of a water holding tank in a 20' x 30' parcel that still belongs to Sunset City. When Dr. Trotter went to sell the property to Dr. Ryder Waldron, it was discovered. Mayor Macfarlane read a letter from Public Works Director Monroe stating he has researched the water tank and found it was never connected to the City's water supply and could see no reason the City would have any interest in it now or in the future. She then read the letter she received from City Attorney King which outlines the history of the property and recommended the City quit claim any interest in the property to Ryder A.T. Waldron.

Council Member Bangerter made a motion to approve Resolution 2016-13 authorizing execution of a quit claim deed transferring all right, title and interest of Sunset City to the only party having any interest in the said property. Council Member Peay seconded the motion. The motion passed unanimously with a roll call vote. Council Member Bangerter – yes, Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Peay – yes.

5. **Consider Resolution 2016-14 amending the Employee Evaluation Form included in the Sunset City Personnel Policies & Procedures:** Mayor Macfarlane stated the evaluation form was approved, but she would like the reference to 'merit' taken out of it so it can be used for anything the Council deems necessary for an employee, such as a merit, bonus or anything else. Treasurer/Office Manager Youngdell pointed out the change to the form as follows. "The measurement taken at the time of this review can be used to clarify job duties and expectations, acknowledge outstanding performance, **[and] suggest ways to improve performance and outline potential career goals and form the basis for salary adjustment.**" Mayor Macfarlane called for a motion to approve this form. Council Member Bangerter read the policy and asked why it needed to be changed. Mayor Macfarlane said if they don't have money in the budget, the form can just be used for an evaluation. It was suggested to just change the 'and' to 'or' because if they take that last part out it can no longer be used for a salary adjustment. It was discussed and decided to just replace the last 'and' with 'or'.

Council Member Bangerter made a motion to approve Resolution 2016-14 amending the Employee Evaluation Form included in the Sunset City Personnel Policies & Procedures to read "...suggest ways to improve performance and outline potential career goals or form the basis for salary adjustment." Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes, Council Member Bangerter – yes.

6. **Select a date for the 2017 Sunset City Fun Days celebration:** Council Member Carlson has been to a lot of Fun Days celebrations over the past 20 years and the ones held in July seem to be a lot better attended. It was decided a long time ago to always hold it the

weekend of July 24<sup>th</sup>, but it got changed again. He suggested going back to that decision. If they did that the Fun Days in 2017 would be on July 28/29, 2018 – July 27/28 and 2019 – July 26/27. Council Member Bangerter asked if a resolution can be made so this can't be changed again without a little bit of effort. He agreed it is better in July and needs to be set solidly. He heard comments from residents who count on it being in July. Public Works Director Monroe said he is good with it, but in 2020 it will be on the 24<sup>th</sup> of July, competing with Ogden and Salt Lake City. That year, the Council will probably change it. Council Member Noyes said they could do it the third weekend in July or the weekend of July 24<sup>th</sup>. He believes it would be safer to make it the third weekend in July.

Council Member Carlson made a motion to set the date for the 2017 Fun Days on July 28/29. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peay and Wiggill voting yes.

7. **Discuss implementing a fee waiver on the Sunset Room for certain organizations or entities:** Mayor Macfarlane explained Senator Mike Lee wanted to use the Sunset Room for free, so she wanted to discuss this with the Council. Council Member Carlson believes Mrs. Avondet saw this as a way of campaigning, but he saw it as a way for residents to come and talk with their Senator. Council Member Noyes would not want it opened to political candidates; only to Elected Officials. If this had not been an election year, it probably would not have been an issue, but where it was it made them wonder about it. Council Member Bangerter struggles giving it to anyone for free, especially established people. He feels Senator Lee makes a lot more money than any of them and can afford to pay the room fee to visit with the residents. If someone wants to rent it bad enough, they'll pay the fee. If not they'll go somewhere else. They should be more concerned with the residents of Sunset. He suggested having 4 or 5 free rentals a year for residents. Maybe put their names in a bowl and have the Mayor draw them for each month or so. Council Member Peay is good either way, but if they don't give it to residents they probably shouldn't give it to the Senator. Council Member Wiggill agrees with Council Member Bangerter and not waive it for anyone.

The consensus of the Council was not to allow any fee waivers.

8. **Mayor, Council and Department Head reports:** Council Member Bangerter is concerned about the Winegars property. It is cleaned up, but not as much as he would like. He apologized for the comments he made in emails regarding a firefighter getting hurt at the Clearfield fire. He reminded everyone about the "Under the Stars Car Show" on August 13, 2016.

Council Member Carlson stated the Mosquito Abatement Board meets a week from Thursday and they are still tying up loose ends for the new facility. He thanked everyone for their vote on the date change for Fun Days. He appreciates all the Public Works Department does. He has not been able to work on a ribbon cutting celebration for the pickle ball courts and restrooms.

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Council Member Noyes said he has yet to hear from the Development Review Committee on anything. He and Mayor Macfarlane have discussed some advertising potential. Mayor Macfarlane would like the dates of events advertised on the City banners.

Council Member Peay reported the Youth City Council served at the Family Connection Center yesterday helping to beautify their property. They are getting ready to man the Pepsi trailer during the Movie in the Park on August 12th with the help of Director Monroe. They are waiting for school to start so the students can see what their schedules are before setting up more service dates. Council Member Peay is making contacts for the Veterans program. She mentioned the Winter Fest banner has changeable dates on it and agreed with Mayor Macfarlane dates should be on all banner advertisements for City events. She has not heard anything on the Veteran's Memorial for a while. They kind of wanted it on 1800 North because there is already a memorial at the City Building, but they don't want to move it when the 1800 North project is done. Council Member Bangerter suggested they place their memorial at the City Building also so people can see both when looking at memorials.

Council Member Wiggill said the Citizen Corp has submitted a list of volunteers and an inventory of supplies they have on hand.

Treasurer/Office Manager Youngdell stated, with the help of Public Works Director Monroe, she has ordered four iPads and they will be here on Thursday. She can then get them set up with Dropbox, etc. She apologized for the delay. Jana Danzer, the part-time Court Clerk who was working 20% in Administration is now full-time and working 60% for Administration. She attended her first Planning Commission meeting last month and is working on the minutes. Treasurer/Office Manager Youngdell will attend with her until she is comfortable with it.

Police Chief Eborn advised the Dan Martin property should now be mowed and the person who mowed it will submit a bill to the City. Chief Eborn will then send a copy of that bill by certified mail to the property owner demanding payment. If he fails to pay he will start the lien process. The Winegar's property is getting cleaned up slowly. The Fire Department is still working to get the inside up to Code. Chief Eborn will be out of the office the rest of the week.

Public Works Director Monroe advised the Central Park restroom will be delivered on August 18<sup>th</sup> and set in place. The Public Works employees took out the asphalt and the underground work will begin on Thursday to prepare for the building. They will be doing a lot of road patches for the next three weeks. The Movie in the Park event will be on August 12<sup>th</sup> beginning at 5:30 p.m. There will be bounce houses, knocker ball and possibly kickball games. Maverik will be there selling hot dogs, chips and drinks, the Youth City Council will man the Pepsi trailer and Chefs Monroe and Garcia will be making gourmet burgers. The movie will start when it gets dark around 9:30 p.m. Joseph Cook did not get permission from Roy City before beginning the Sunset Place Townhouses PUD to run his development's sewer into Roy City's lines so they were stopping his development. He finally got permission and all is going well again.

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Asst. Fire Chief Whetton advised one of the founding members of the Fire Department passed away this week, but he does not have his name. They will be participating with one of the fire engines at his funeral on Friday. They have assisted Clearfield, Roy and Riverdale on business, house and wild land fires respectively, along with all the EMS calls they've gone on.

Mayor Macfarlane reported the owner of Grounds for Coffee wants to put up a sign to divert the vehicles that travel between the sidewalk and the front of her business because she is worried someone will get hurt. She referred her to the Sunset Square property management company. The property manager of Sunset Square told Mayor Macfarlane the owners of a couple of the tiny properties north of Sunset Square would like to sell or donate the property. Council Member Bangerter stated she is a realtor and he approached her three months ago about her properties. He believes she is just looking for a value to her property and that she has no interest in donating them to the City. He said he would look into this further and report back to the Council. Mayor Macfarlane attended a Wasatch Integrated Board meeting and they are looking to take more recyclable materials and recommended the cities stop taking recycling so they could take it all and run through the recycle separator. There are still a lot of questions about that. She attended the North Davis Sewer Board meeting and they approved their portion of a CDA with Syracuse City, who needs to try and replace RC Willey's business when it moves to Layton City. When asked to report on the Justice Court Judge's applications, Treasurer/Office Manager Youngdell said yesterday was the last day to submit applications and the AOC received four applications. They have to receive nine applications to stop the process of taking applications, so they have extended it for 15 days. After the 15 days, if they still do not receive nine applications they may proceed anyway. Mayor Macfarlane advised at Hill Air Force Base, Col. Murphy will be moving from the 388<sup>th</sup> to the 419<sup>th</sup> fighter wing to fill in while he is here. She will be attending the Change of Command on Friday at 3:30 p.m. She said if anyone wants to go with her to let her know as she is able to bring someone to this event.

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

The meeting adjourned at 8:25 p.m.

Approved – August 16, 2016

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder