

Sunset City Corporation
City Council Minutes
August 6, 2013
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Minutes of a regular meeting held August 6, 2013 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

REGULAR SESSION

Mayor and Council Present:

Chad Bangerter	Mayor
Brent Andrews	Council Member
Ricky Carlson	Council Member
Ryan Furniss	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Breen Lowman	Fire Chief
Norm Noyes	Public Works Director
Joe Maylin	Public Works

Fire Fighters: Travis Carter, Tom Caygle, Adam Scott, Zach Thomas, Cindy Meffert, Anthony Bott, Joni L. Goodman, Jon Novotny, Brady Menlove, Kelcee Oyler, Jennifer Fuentes

Others Present:

Tyrone Aranda	Titan Doggy Day Care
Scott Stevenson	Planning Chair
Terry Avondet	Sunset Citizen Corps
Ray Chapman	Trystal Peay
Spring Carter	Susan Caygle
Mary Earl	Tamara Lowman
Neil Coker	Chris Hadley

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

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

Approval of Minutes: Council Member Snow made a motion to approve the minutes of July 16, 2013 as amended. Council Member Furniss seconded the motion. The motion passed unanimously.

Public Comments: Neil Coker said he supports Interim Chief Breen Lowman becoming the Fire Chief. He believes he is well qualified and the best person for the job.

Cindy Meffert believes morale is up and things are better since Interim Chief Lowman has taken over and most of the fire fighters are supportive of the positions held by Interim Chief Lowman and Interim Asst. Chief Carter.

Jennifer Fuentes said she had reservations about Interim Chief Lowman at first, but after working with him and getting to know him, she now supports him and Interim Asst. Chief Carter.

1. Discussion and possible approval of the conditional use request to add dog boarding to the existing dog day care business license of Titan Doggy Day Care located at 2029 N.

Main: Planning Chair Stevenson said she reviewed the conditional use request to add dog boarding to the business of Titan Doggy Day Care on July 18th. The only requirement they had of the business owner was to contact the Davis County Animal Control and Health Department and comply with their requirements. They are also in support of Mr. Aranda's plan to add a camera system so they can oversee the animals during the night. The Planning Commission recommended approval of the conditional use of boarding for Titan Doggy Day Care.

Council Member Andrews asked if Mr. Aranda had contacted the surrounding neighbors. Mr. Aranda replied there is no one right behind the building and he has talked to the nearest residential neighbor and she had no problem with it. He also figured the Council would be concerned with the noise of barking dogs. Dogs barking decibel is about 62 and he had previously sound proofed the building because they used to hold receptions in there and he wanted to protect the neighbors. Mayor Bangerter said Mr. Aranda has been a great asset to Sunset with his martial arts business, etc. He called for a motion.

Council Member Furniss made a motion to approve the conditional use of boarding for Titan Doggy Day Care. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Andrews, Furniss, Peterson, Snow and Carlson voting yes.

2. Appoint a Fire Chief: Mayor Bangerter said he reviewed the internal applications received for the position of Fire Chief and talked to a few of them. At this time he would like to appoint Breen Lowman as the Sunset City Fire Chief. He asked for the support of the Council on this appointment.

Council Member Furniss asked Mayor Bangerter if he interviewed the applicants or if he just relied on Council Member Snow to interview them. Mayor Bangerter said he didn't do a sit down interview with any of them, but he has talked with some personally in other places. Council Member Furniss said this is a Department Head level position with four applicants and only a couple of them were talked with. The City Policy says "after appropriate interviewing and reference evaluation is indicated, the Supervisor will recommend the candidate that best qualifies". He knows this is a Department Head position and as such is appointed by the Mayor, but he wonders if they are doing the City an injustice by not opening it up further than internally. Interim Chief Lowman looks good on paper, but he

believes if it is opened up there would be applicants from all over northern Utah. He outlined the extensive procedure that happened when promoting within the Police Department. He wants to make sure the right person is appointed and not just someone to hurry and fill the position. Council Member Carlson said they talked about going outside for applicants, but none of the Council wanted to do that so he is a little surprised it is being brought up now. He believes former Fire Chief Coker and the fire fighters who are supporting Interim Chief Lowman speaks a lot, so he supports appointing him as Fire Chief. Council Member Snow has talked to a lot of fire fighters and they seem to like Interim Chief Lowman and feel he would be a good Chief. As to if the procedure was done right, he does not know, but Interim Chief Lowman is doing a good job right now. The morale is up and the firefighters support him, so he believes there could be problems if they hire someone from the outside. Mayor Banger said of the four applicants, only two of them met all the qualifications. He still stands on the appointment he stated. Interim Chief Lowman has brought in good ideas and has lifted the moral of the Department. He called for a motion. Council Member Furniss commented that in Public Works there was a known commodity in that Public Works Director Noyes had worked for the City over 20 years and Interim Chief Lowman has only worked for the City for a few months.

Council Member Snow made a motion to appoint Breen Lowman as the Sunset City Fire Chief. Council Member Carlson seconded the motion. The motion passed 3 to 2. Council Members Peterson, Snow and Carlson voted yes. Council Members Andrews and Furniss voted no.

Mayor Bangerter thanked the Council for their support and congratulated Fire Chief Lowman.

3. **Discussion and possible action on Resolution 2013-11 detailing approval of Assistant Fire Chief Position within the Sunset City Fire Department:** Council Member Furniss said, as he has looked at the City's policies, he was a little caught off guard as to how the past Assistant Chiefs for the Fire Department have been appointed. The Fire Chief has just hired or promoted the Assistant Chief and the Mayor and Council is made aware of it after the fact. The Police and Public Works Departments have involved the Mayor and Council and received their advice and consent before those types of promotions take place and he believes the Fire Department should be no different. He read a portion of Sunset Policies and Procedures 2.8.1, "After appropriate interviewing and reference evaluations as indicated, the supervisor will recommend the candidate that best qualifies for that position to the Mayor and City Council." He does not remember the Asst. Fire Chief candidate ever coming before the Council. He would like the Mayor to bring it to the Council for consent and approval as the policy states. He would like section D to be added that reads, "Appointment or promotions of Assistant Fire Chiefs will be approved by Mayor and City Council."

Mayor Bangerter stated section 2.8.1 refers to any positions. This was discussed and Fire Chief Lowman's input was asked for. Chief Lowman feels as Department Heads are appointed they should be trusted to make management decisions, but he has no problem discussing it with the Mayor and Council. It was discussed further with the point being made

that the policy wasn't followed. It was decided to leave the policy as is, but to make sure it is followed.

Council Member Snow said some time in the future the policy should be reviewed to address regular employees versus those in Department Head or potential Department Head positions. Mayor Bangerter and the rest of the Council and agreed.

4. **Discussion and possible action on Resolution 2013-12 correcting the commercial sewer fee for usage above 10,000 gallons:** Recorder Hale explained the North Davis Sewer District increased their overage use by 15 cents per 1,000 gallons. Sunset's Caselle system calculates in 100's and Sunset's previous fee to the residents was 10 cents per 100 gallons, which is \$1.00 per 1,000 gallons. Therefore, the fee should have increased from \$0.10 to \$0.115 per 100 gallons, which is the equivalent of \$1.15 per 1,000 gallons, instead of from \$0.10 to \$0.25, which is the equivalent of \$2.50 per 1,000 gallons. Resolution 2013-12 corrects this error.

Council Member Furniss made a motion to approve Resolution 2013-12 correcting the latest amendment to the Sunset City Fee Schedule. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Andrews – yes, Council Member Furniss – yes, Council Member Peterson – yes, Council Member Snow – yes, Council Member Carlson – yes.

5. **Fun Days Report:** Recreation Supervisor Joe Maylin thanked the Council Members who helped out during Fun Days. He reported there were 27 participants in the skate contest hosted by Shawn McBride. There were only 15 runners in the 5K this year. There were about 40 vendors and they seemed to do pretty good. There were about 40 entries in the parade. They tried "Movie in the Park" this year showing Despicable Me and there were about 130-150 attendees. At the next Council meeting dates will need to be set for Sunset Sam, the Seniors Luncheon and Fun Days. For Sunset Sam, February 2nd is on a Sunday next year, which is also Super Bowl Sunday.

Mayor Bangerter said it cost about \$480 for the t-shirts, etc. for the 5K and wasn't well attended so he wondered if they should discontinue it or promote it more heavily. Supervisor Maylin said he wondered if the weather played a part in it and he will try to get Big 5 to sponsor the 5K next year, so that might bring in more runners. Mayor Bangerter also wondered if paying about \$750 was worth having the "Movie in the Park". Supervisor Maylin said there are possibly ways to do it cheaper by using a closer company, but he was very impressed with the company and wouldn't hesitate to go with them again. Council Member Carlson said he has heard nothing but good about it. Mayor Bangerter wondered about the sky divers. Supervisor Maylin said the City only paid for two sky divers, but five actually jumped with one having the U.S. flag so it was pretty impressive. The carnival made about \$9,000 and the City gets 10% of that. They need to know about the date soon to see if they carnival can come back next year and they would like to offer more rides if possible. The employees worked an extra 265.5 hours to put on Fun Days and that does not

include the planning during regular hours. The sponsors were given thank you cards, with gift cards going to major sponsors.

- 6. Council Member reports and general information:** Council Member Andrews welcomed newly appointed Fire Chief Lowman. He thanked the employees for all the work they do.

Council Member Furniss welcomed Fire Chief Lowman saying he expressed his concerns, but after tonight it is over; he has no personal problem with him. He has heard nothing but good from the fire fighters. He also thanked Asst. Chief Carter and his wife for standing behind him. While campaigning, he has received a lot of questions. He was asked what the Police Department does with the bicycles stored in the basement. Chief Eborn replied some are found property he keeps for over 60 days hoping the owners will claim them and some are being held as evidence because they were recovered after being reported stolen. In the past they have auctioned them, sent them to the State Surplus to sell or given them to a charitable organization, such as the Davis County Children's Justice Center. Council Member Furniss said another resident asked what the chances are lights will be installed at the South Park tennis courts. Public Works Director Noyes said he will assign the Recreation Supervisor to check into that. Council Member Furniss asked for an update on the bridge to the Sunset Room. Director Noyes said they should be through by the end of the week. He has some samples of stair treads they will look into installing also. He thanked all the employees who participated in Fun Days. He has enjoyed it since moving here. The only complaint he heard was about the restrooms, but they are working on that. He congratulated Supervisor Maylin for a job well done.

Council Member Peterson thanked all the employees. He said he wished they could get as many people to attend Council meetings as attended the debates. He also thanked the Planning Commission for all they do.

Council Member Snow said it was good to see so many people at the meeting tonight and congratulated Fire Chief Lowman and Asst. Chief Carter for their new positions. There was a good turn out at Fun Days. He would like to see a bigger carnival, but does not know where they could put it. There didn't seem to be any lag in attendance all day. He encouraged everyone to get out and vote.

Council Member Carlson said a lot of good things have been said about Fun Days this year. He had asked Chief Lowman if he could go out with them to watch the test firing of the fireworks and, after he was all dressed in fire gear, Chief Lowman allowed him to light the first one. He thanked them for that experience. He thanked the Youth Council for allowing him to get dunked about 40 times. He also thanked Supervisor Maylin for planning and overseeing Fun Days.

Treasurer/Office Manager Youngdell congratulated Fire Chief Lowman. She thanked the fire fighters for conducting the tractor pull; the kids had a blast. She said Supervisor Maylin did a great job and she loved the movie.

Public Works Director Noyes thanked Supervisor Maylin for taking on the big job of Fun Days. It takes a lot of time. The reason he added the note about the many over time hours employees spent was so the Council would be aware of how much extra time it takes to pull off the Fun Days celebration. He is in the process of purchasing a new 1-ton truck. With the added equipment for plowing, the cost of the truck will be about \$38,000 and with a 10% down payment, the annual payments will be \$7,500 at an interest rate of about 3.5%. He has ordered the laptop meter read system and that will take about two months to implement. It will cost \$15,126 and make their job a lot easier. The asphalt being laid on a few of the City streets is the beginning of the chip seal project. The project should come in about \$5,000 under budget.

Police Chief Eborn said participation was down a little for the DARE Auction and they had a few less items for bid, but the profit was still \$1,100 on top of a \$1,700 donation they received. Fun Days was pretty uneventful for the Police Department, which is a good thing. He clarified the extra hours worked did not include the volunteer hours of the Citizen Corps for walking the perimeter of the fireworks area. Without them, the Police Officers would have to do it, preventing them from walking through the crowd. He asked the Council Members to drive by Sunset R.V. Village and take a good look at the condition of the property and what is being stored in it. He believes it is seriously out of compliance with what it is licensed for and that is storing RVs such as motor homes, boats, campers and trailers. About half of the lot contains cars and trucks that are in serious disrepair. They were supposed to put down road base and keep it covered with pea gravel in lieu of asphalt. The lot is so covered with sticker weeds you cannot see the road base. He goes to great lengths to not cite businesses if he can help it. He sent the owner a letter over a month ago to improve the lot or be cited, but he has not heard from the owner. He is asking to take it before the Council to review revoking the business license if he does not bring the property into compliance. Phil Barber was the original owner and has passed it on to his sons. The owners may not even be aware of what is being housed on the lot. Some of the vehicles have been there so long he doesn't know if the owners can be found. He feels terrible for the neighbors who have to deal with the eyesore. Mayor Bangerter agreed something needs to be done. Chief Eborn will continue following up with the owner and if he feels he is not going to do anything, he will cite him.

Fire Chief Lowman thanked the Council for their support and looks forward to leading the Fire Department. He said the fire fighters are go-to people and he is amazed with them. They are volunteers, but that does not take away their love of the job and their professionalism. He will be conducting promotion interviews on Thursday night and once that is complete and the selection is made he will advise the Mayor and Council Member Snow, who can disseminate the information to the rest of the Council. They are preparing for a fund raising activity in selling root beer floats during the upcoming Under the Stars Car Show. They were successful in their Fun Days activities and CERT was available to sell some of the 72-hr kits.

Recorder Hale stated early voting will end on Friday at 5:00 pm and then the Primary will be held on Tuesday, August 13th. The candidates and their families are welcome to come to the

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Sunset Room around 9:00 p.m. that night to wait for the results where light refreshments will be served.

Council Member Peterson asked if the Youth City Council will be holding another debate. Council Member Furniss said no, not after they were so unjustly criticized for something they didn't do.

Mayor Bangerter thanked the Youth City Council for their involvement in hosting the debates and said they did an excellent job. To talk about what Council Member Furniss referred to, he received a concern from a resident about a possible conflict of interest since Council Member Furniss was over the Youth City Council and would be one of the candidates in the debate. Council Member Furniss assured him he would not be involved in any of the questions because the Youth Council would be having the residents write down their questions as they came to the debate so no one would have an insight into the questions to be asked. Therefore, there was no conflict of interest. He met with the Manager of Smith's Food & Drug. He said they are doing pretty good and are constantly trying to improve the store. He congratulated Fire Chief Lowman and Asst. Chief Carter and also thanked the rest of the firefighters for their hard work. He thanked Chief Coker for his past service to the City. The Fire Department held an excellent open house for him. He said the car show going to be held this weekend brings a lot of people into the City and that is good for the businesses. There will be a charity bike show in September so that will be good as well. He encouraged all to attend.

Council Member Furniss made a motion to adjourn. Council Member Peterson seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:50 p.m.

Approved – August 20, 2013.

/s/Chad Bangerter, Mayor

/s/Susan R. Hale, Recorder