

**Sunset City Corporation
City Council Minutes
August 7, 2018
Page 1 of 6**

Minutes of a regular meeting held August 7, 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
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
Jason Monroe	Public Works Director

Excused:

Norm Noyes	Council Member
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Others Present:

Laura Penman	Dawn Gilbert
Tana Miller	

The regular session was called to order at 6:30 p.m. by Mayor Madsen.

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of July 17, 2018 as presented. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling and Wiggill voting yes.

Approval of Vouchers: Council Member Wiggill made a motion to approve the voucher for RMT Equipment in the amount of \$44,713.20. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling and Wiggill voting yes.

Public Comments: Laura Penman commented on rescheduling the fireworks show and asked if it wouldn't be more beneficial to the City if they did not reschedule it with trying to get the residents out again just for that versus keeping the money for them until next year's Fun Days. Mayor Madsen told her the Council will be addressing that issue next.

- 1. Discuss rescheduling the fireworks display due to the cancelation during Fun Days:** Mayor Madsen explained they tried to schedule it for the next week but was unable to, so they need to figure out a date. There are a couple options, one of which Mrs. Penman spoke

of, and the other one is to schedule a fall-type festival one evening from maybe 7:00 p.m. to dark. They could have a couple food vendors and some music for a couple of hours and the fireworks after. He asked for the Council Member's thoughts.

Council Member Smalling said the Youth City Council plans to hold a fall festival and that is why they are growing the pumpkins in back of the City Building. They could possibly combine the two. Mayor Madsen said they were thinking of doing the fireworks toward the end of September or the first part of October. He would like to have the Youth Council involved.

Council Member Bangerter believed the City has already purchased the fireworks and Public Works Director Monroe said the fireworks people would be able to store them for next year if the Council asked them to. Council Member Bangerter believes the fireworks may expire and would like to set them off this year. He asked about liability insurance and was told the fireworks people obtain that insurance. He agreed a fall festival is a good idea and also tying it in with the Youth City Council plans. If the fall festival doesn't work out, he suggested they could do them during the Sunset Sam Winter Fest.

The Council discussed dates and tentatively set September 29th from 5:00 p.m. to dark. It will cost about \$500 to \$750 to provide the added entertainment. The date may change depending on what the Youth City Council thinks. Maybe they can even just advertise their event then.

- 2. Consider Ordinance 2018-03 amending Title 4, Chapter 4 of the Sunset City Code entitled Weeds, Junk and Abandoned Vehicles:** Mayor Madsen explained there was a fire along the railroad tracks caused by a train, but it was made a little worse because there were tall weeds in some back yards. He talked with the Department Heads about the weeds and junk throughout the City and they came up with a plan to be tougher on this ordinance. During that meeting, it was mentioned that the penalty should be stiffer and a copy of Clearfield's ordinance was presented and discussed. The fines would be \$150.00 for the first offense, \$250.00 for the second and on up. The same offenses must be within five years of each other. Judge Brower has agreed to go by the amounts the Council adopts and the Prosecuting Attorney, Scott Dopp, will be advised to prosecute as such. He asked for comments.

Council Member Wiggill gave an example of an elderly lady who lives across the street from him, whose children don't live close. A couple of times she has received a notice that her tree needed to be trimmed and she found enough money in her fixed income budget to have it taken care of. If she can do this, he doesn't have much compassion for those who don't follow the ordinances because there are people who will help.

Council Member Carlson asked how everyone felt about the fine amounts and, when no one else answered, Mayor Madsen said their system of justice is forced compliance. Most people obey laws because there is a penalty or fine and they don't want that. It will take a long time

to turn this City around and believes they need to get the reputation that the laws will be enforced.

Council Member Bangerter said code enforcement has always been an issue. Weeds and junk shouldn't be the focus for the Police Officers; their main job is protection of life and property, and they are already doing code enforcement. He fully agreed with this ordinance; he just stated this for discussion purposes and to give a little history. He mentioned a resident who receives a violation every year, pays the fine and moves on. Those who don't like to follow laws will find any way to go around it, meaning whatever the City fines them or does, the weeds will still be in their yards. Other cities have code enforcement officers and his only concern is what it might take the officers away from if they assign that job to their officers. Mayor Madsen stated there will be no quota or standard. To his statement that a police officer's job is to protect people and property, he said the best way for them to take care of property is to take care of a fire hazard. He believes the officers will handle the problems that are serious and does not believe this will be an extra burden. He has heard the problem in the past was not enough follow up and believes it starts with the Mayor, so he will be following up.

Council Member Smalling recounted what she saw a couple weeks ago. She saw a Sunset Officer pull up and talk to one of her neighbors and, as soon as he left, they began pulling weeds and spraying for weeds in the cracks. Soon after, she saw other neighbors begin doing the same thing. She wondered if they were going to let the community know they were going to be strong on code enforcement. Mayor Madsen believes the officers will know when the situation warrants a warning before citing a resident. Council Member Wiggill suggested getting the word out via newsletters, etc.

Council Member Bangerter made a motion to approve Ordinance 2018-03 amending Title 4, Chapter 4 of the Sunset City Code entitled Weeds, Junk and Abandoned Vehicles. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Smalling – yes, Council Member Bangerter – yes.

- 3. Consider Ordinance 2018-04 amending Title 7 Chapter 2 of the Sunset City Code entitled Streets and Sidewalks:** Mayor Madsen stated it was suggested by the Police Chief to add the penalty of Ordinance 2018-03 to streets and sidewalks as well. He asked for any discussion. There was none.

Council Member Wiggill made a motion to approve Ordinance 2018-04 amending Title 7 Chapter 2 of the Sunset City Code entitled Streets and Sidewalks. Council Member Smalling 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.

- 4. Discuss the sale of the CERT trailer(s):** Mayor Madsen mentioned he and Council Member Wiggill met with Dep. Fire Chief Taylor, who is over the CERT program, to discuss

what they really need in regards to the three trailers they have and what supplies are stocked in them. Council Member Wiggill stated he has prepared an inventory sheet for the items in the one trailer. The other two are not stocked. He gave a little history that the Citizens Corp purchased the two additional trailers with the intent to stock all three so they could have one on each end and one in the middle of the City in a disaster, but they have had a hard time getting the program going. The Chief and Dep. Chief were impressed with what is stocked in the trailer. They recommended some things they could add and gave some suggestions on what they could do to become better prepared, such as periodically starting the power equipment. The plan is to eliminate one trailer, stock the other one and add the items recommended by the Chiefs. The Chiefs agreed to stop by periodically to make sure the power equipment works properly. They would like to store the trailers at the Public Works property and give some CERT people access to the yard in case of a disaster. The North Davis Fire District has a need for a trailer, so they decided to give them the trailer that is to be eliminated from the program. In a disaster situation, there are many CERT trained people in Sunset who will respond after taking care of their own families. The last training was held with Clearfield City in the Sunset Room. There were about 35 people who attended and only two of them were from Sunset.

When asked why Sunset was just giving the trailer to North Davis Fire District, it was answered because they are Sunset's Fire Department. Sunset is vulnerable with I-15, the train tracks and the gas pipe line that runs through the City, so it may not be good to keep both trailers in the Public Works yard, which is near the pipe line and train tracks. Maybe they could keep one there and one at the City Building. The Council gave their consent for Council Member Wiggill and Mayor Madsen to proceed in the direction discussed.

- 5. Discuss purchasing two solar powered radar speed signs:** Mayor Madsen stated the second most item complained about is people speeding. He would like to purchase two mobile, solar powered radar speed signs for \$5,499, which is a very good price. He feels they should take advantage of this sale price. There is money in the police budget capital outlay line item they could use. However, in time the budget would have to be opened to allow the original budgeted items to be purchased. Or they can open the budget now. He asked for discussion.

The Council discussed the signs being a definite speeding deterrent, the statistics they may be able to gather from them and opening the budget to fund the signs and funding two additional signs now or budgeting for two more next year. It was decided to hold a public hearing to fund four speed signs this year.

- 6. Mayor, Council and Department Head Reports:** Council Member Wiggill acknowledged the two businesses, Discount Body Shop Supplies and Charlie's Service, who donated to fund the Fun Days car show.

Council Member Carlson thanked all the City employees for their efforts during Fun Days and said it went well. He enjoys hanging out with them during that time.

Sunset City Corporation
City Council Minutes
August 7, 2018
Page 5 of 6

Council Member Smalling echoed Council Member Carlson and said she really enjoyed it. The Youth City Council did well with the Pepsi trailer.

Council Member Bangerter reminded the Council the tour of the Sheriff's Department begins at 4:00 p.m. tomorrow. He said CBR will pay for desserts for them and their significant others at the yogurt place afterwards. He reported there were almost 80 cars at the Fun Days car show and it takes a lot of work from a lot of people to pull it off. The owner of Discount Body Shop Supplies is already on board for next year. Next year will be his last year as a Council Member so he is looking at doing a burn out contest next year, which means there is the potential of having 150 cars at the car show. He said the whole Fun Days event went well; it was just too bad the weather had to turn bad so the fireworks had to be cancelled. He asked about the Utah League of Cities and Towns Conference in September and said he went to the last one, so probably shouldn't go to this one. It was discussed and, where only two people went in March, there is probably enough money for all of them to go in September.

Police Chief Eborn reported they did not have any problems during Fun Days this year. Today, there was a small fire near the front entry way to Smith's Food & Drug, in their cinderblock shed. Foul play is not suspected; it was just something that happened. He advised will be out of the office for a week beginning tomorrow.

Treasurer/Office Manager Youngdell reported she had not heard from two of the Council Members on attending the Utah League of Cities & Towns Conference. The server has been received and they have begun the migration from the old server to the new server. The biggest portion, Caselle, will be moved Tuesday morning from 8:00 to 10:00 and they won't be able to take payments during that time.

Mayor Madsen stated the fabric and most of the poles are gone from the tennis court at Central Park. They will discuss what to do with it in the future.

Public Works Director Monroe reminded everyone the 'Under the Stars' car show is this Saturday. There will be someone taking care of the restrooms off and on throughout the day. The new hire will begin on the 20th. While in this meeting, he has been in contact with Brent from Fireworks West. They do not have to light the fireworks this year, if the Council chooses not to. They will be taking out the old asphalt, replacing it and slurry sealing the two roads from Fremont Elementary; one that goes to 2575 North and the other that goes to 250 West. He will be slurry sealing 100 West, 140 West and 175 West from 2575 North to 2650 North. There are 4 or 5 companies that are within pennies of each other's bid so he would like to use a different company for different projects to get a feeling for which one is the best. The price for that section is just under \$24,000. He will be having the subdivision directly south of the City Building done, but he has not got a price on that yet.

Mayor Madsen reported Mayor Shepherd nominated him to be on the Utah League of Cities and Towns Board, so they'll see where that goes. He is now on the Utah Substance Abuse and Mental Health Advisory Board and a sub-committee dealing with opioid abuse and attended that Board meeting yesterday. Today he attended a DUI Board meeting. Weber

Sunset City Corporation
City Council Minutes
August 7, 2018
Page 6 of 6

County is going to have a notification program that uses a DUI offender's cell phone to track them. The offender has to agree to it, but a Judge would have this as an option. The offender could receive notifications on their cell phone, the GPS could track their whereabouts and they can even connect a portable breathalyzer so they would have the ability to tell the offender to take a breath test at any time. This program would also work with other types of violators as an option similar to ankle bracelets. Everything is now online with the old City Building and demolition will begin in the morning. During the previous meeting he had mentioned a citizen would like to lease a section of Central Park for events, so he asked City Attorney King for his opinion. Attorney King sent him an opinion letter stating the park has been designated as a public park and leasing any part of the park may constitute an unauthorized attempt to vacate that portion of Central Park, so the person asking has been advised the City will not lease any portion of it to her. He advised the City has an agreement with Clearfield City for building inspection services, but they've put more work on the building inspector to continue to provide Sunset with the service so the agreement with them will end on December 31, 2018. Now they've added too much work to his plate and he has quit. Until Clearfield is able to hire a new inspector, Syracuse City will provide those services for them and for Sunset. Sunset now has to schedule inspections through Clearfield, who will then contact to Syracuse and get back with Sunset to advise if the scheduled time works. Sunset will be looking into other options to bring before the Council at the next Council meeting.

Council Member Bangerter asked if some bricks from the old City Building could be saved to give to those who may want them for memorabilia. Mayor Madsen replied he already has some by the back door and Public Works Director Monroe has some more.

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

The meeting adjourned at 7:55 p.m.

Approved – August 21, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder