Minutes of a regular meeting held August 18, 2015 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

REGULAR SESSION

Mayor and Council Present:

Beverly Macfarlane	Mayor
Ryan Furniss	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Dan Ripple	Council Member
Kevin Snow	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
James Weston	Fire Chief
Jason Monroe	Public Works Director

Excused:

Others Present:

Elaine Runyan	Child Advocate
Scott Nelson	CEC Engineering
Terry Avondet	Sunset Citizen Corps
Scott Wiggill	Shirley Griffiths
Ellen Cutler	Janet Lujan
Joyce King	Alana Griffith
Itol Hunt	

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

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

Approval of Minutes: Council Member Ripple made a motion to approve the minutes of August 4, 2015 as presented. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay, Ripple and Snow voting yes.

Approval of Vouchers: City Engineer Nelson explained the CDBG contract with Davis County has been approved and closed out. The final payment claim of $95,369 was discussed extensively with Braker Construction and it was negotiated down to $12,134 for work he had completed. The City ended up saving $28,793 from the original bid. Because the Contractor was willing to back down from most of the claim, Engineer Nelson recommends the City does not charge him for the delay charges. If they pushed the issue, they would go to litigation and

Sunset would end up paying $30,000 to $50,000 in attorney fees and the delay charges would be at most $25,000. With paying the final request of $45,000, which includes the change order expenses, Braker Construction agreed to give Sunset a release of the claims, a warranty and the bonds for one year for materials and three years for the roadway, supply the City with the 'as constructed' drawings and sign the pay request. With that, Engineer Nelson felt it is a win for everyone and recommended the Council pay the final request of $45,000. It is up to the Council whether to agree with his recommendation or not. Based on prior experiences with Braker Construction on this project, Council Member Furniss believes the warranty won't do the City any good. He believes they gave in too early and will vote no on this. Council Member Peterson said Engineer Nelson has been through hundreds of these and he values his opinion.

Council Member Peterson made a motion to approve the vouchers for Davis County Government in the amount of $19,422.76 and Braker Construction in the amount of $45,000 totaling $64,422.76. Council Member Ripple seconded the motion. The motion passed 4 to 1 with Council Members Peterson, Peay, Ripple and Snow voting yes and Council Member Furniss voting no.

Public Comments: There were none.

1. **Youth City Council Report:** Sunset Youth Mayor Sydney Furniss advised Peggy Stevenson has resigned as the Youth City Council Advisor. She introduced Itol Hunt and Alana Griffith as the two new Advisors. The Advisors asked what the Council's expectations are for them and Youth Council. Council Member Peay said she would like them to make sure the community sees the Youth Council out there doing services or supporting other City functions. Council Member Ripple would like to see more outreach for Youth City Council members. Council Member Snow wants to make sure they have fun along with doing services in the City so they don't get burned out. Council Member Peterson would like the Advisors to allow the youth to do most of the service planning and organization. Council Member Furniss said when the Council wants them to do things, he would like them to realize when they are too busy and tell the Council no when they cannot do it. He envisions the Youth Council being exposed to as much City government, function and community as they can. Mayor Macfarlane said it would also be nice to have more parental involvement once in a while. The Youth City Council is very important and has a real roll in the City. She appreciates the Advisors taking on this responsibility.

   Youth Mayor Furniss stated they will lose access to a City Building key when her father, Council Member Furniss', term of Office ends, so she requested a key for the Youth City Council. Their meetings are held in the conference room of the City Building and they keep all their supplies here. The Council did not see any problem with it as long as one of the Advisors held the key. They were also asked to coordinate their building use with the Office so they are aware.

   Youth Mayor Furniss stated her neighbor will be holding a car wash at the Fire Station to raise funds for breast cancer and the Youth City Council will be helping him with it. It will be held on Saturday, August 29th from 10:00 a.m. to 3:00 p.m. Treasurer/Office Manager

Youngdell advised the park bowery is reserved that day so the car wash may have to be held in the west parking lot so it doesn't impact what is going on at the bowery.

2. **Consider Resolution 2015-10 in support of changing the name of South Park to Rachael Runyan Memorial Park:** Mayor Macfarlane explained during the last Council meeting they received a request to change the name of South Park to Rachael Runyan Memorial Park. She read the resolution to do so. Treasurer/Office Manager Youngdell advised the LDS Church owns the parking lot, Sunset owns the park and the Davis County School District owns the ground adjoining the park. She has spoken with a representative of the LDS Church and they do not want the memorial erected on any of their property. She has not heard from the School District. Recorder Hale mentioned the resolution will rename the park and when Davis County sends out their map with a request for changes she will make a note of the name change.

   Mrs. Elaine Runyan stated she has formed a committee to help with designing the memorial and raising funds for it. She is honored to have the Council consider their request. Mayor Macfarlane advised Mrs. Runyan she will need to seek City approval before placing the memorial.

   Council Member Ripple made a motion to approve Resolution 2015-10. Council Member Peterson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Ripple – yes, Council Member Snow – yes, Council Member Peterson – yes, Council Member Furniss – yes.

3. **Consider Resolution 2015-11 amending the Sunset City Personnel Policies & Procedures to include pre-employment alcohol & drug screening, a background check and, if required, a medical examination:** Recorder Hale explained she was asked to have City Attorney King draft an ordinance for pre-employment drug screening and background checks. The resolution before them is what he drafted. Mayor Macfarlane asked if there were any questions or concerns. Council Member Peterson questioned the medical examination. The CDL license requires it and firefighters can take the Fire Department agility test or provide a medical examination at their own cost.

   Council Member Furniss made a motion to approve Resolution 2015-11. Council Member Peay seconded the motion. The motion passed unanimously with a roll call vote. Council Member Furniss – yes, Council Member Peterson – yes, Council Member Snow – yes, Council Member Ripple – yes and Council Member Peay – yes.

4. **Consider Ordinance 2015-05 amending the Sunset City Code by repealing Title 2, Chapter 2 entitled Board of Adjustment and enacting a new Title 2, Chapter 2 entitled Appeal Authority:** Recorder Hale advised the Appeal Authority this ordinance creates is just for land use issues. The City has a really hard time keeping a five-member Board of Adjustment and State Statute allows municipalities to use a one-member appeal authority. The Appeal Authority will hear requests for variances from the terms of the land use ordinances, appeals from decisions applying the land use ordinances and appeals from fees

charged in accordance with Utah Code. The Appeal Authority shall consist of one or more attorneys or other persons qualified by expertise in land use issues to be appointed from time to time as the need arises by resolution of the Sunset City Council and to serve under such terms and conditions as provided in such appointment. Only the Court can overrule an Appeal Authority so it is better to have someone who is an expert in land use issues.

Council Member Snow made a motion to approve Ordinance 2015-05. Council Member Furniss seconded the motion. The motion passed unanimously with a roll call vote. Council Member Furniss – yes, Council Member Peterson – yes, Council Member Snow – yes, Council Member Ripple – yes and Council Member Peay – yes.

5. **Consider Ordinance 2015-06 amending Sunset City Code Title 3, Chapter 4 entitled Liquor Control:** Recorder Hale explained the Liquor Control Ordinance is being brought more up to date with the State Alcoholic Beverage Control Act and updates other requirements. She believed it would be good to do this before the Maverik building is finished. Mayor Macfarlane asked if there were any questions or concerns. There were none.

   Council Member Peterson made a motion to approve Ordinance 2015-06. Council Member Peay seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Ripple – yes, Council Member Snow – yes, Council Member Peterson – yes and Council Member Furniss – yes.

6. **Discuss the City's nepotism policy:** Council Member Snow said he could not find the policy he previously presented to them and he has not received any input from the Council on the policy so he made a motion to table the item until a later time. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay, Ripple and Snow voting yes.

7. **Mayor and Council Reports:** Council Member Furniss commented the two Youth City Council Advisors agreed to be the advisors contingent on the other one also stepping up. He believes they are very capable. He would like to see them continue participating in the annual Logan Conference. The Colorado EPA incident is a "do as we say, not as we do" instance. He is hoping the Governor and Congress will hold the EPA's feet to the fire as much as the EPA does to private industry and other governments. He is working on meeting with a commercial developer, but hasn't been able to coordinate a time yet. He believes the developer realizes Sunset has a lot of economic growth potential.

   Council Member Peay stated they are continuing to plan for the November Veteran's Day celebration.

   Council Member Peterson believes renaming South Park to Rachel Runyan Memorial Park is a good idea. They need to use the official name and also the official name of John G. White Park instead of North Park. The Planning Commission meeting was canceled this month. He commended Public Works Director Monroe for doing a great job.

Council Member Ripple said the Sunset Citizens Corp was unable to meet this month, but is getting ready to prepare for the February 2016 CERT classes. He reported the City's website is getting from 100 to 400 hits a day, but there was a huge spike the Friday and Saturday of Fun Days. He would like to put the Sunset Youth City Council activities on the website.

Council Member Snow advised the Citizens Committee will be getting out soon judging the residents' yards and Cathy Brown will be taking over the committee. He would like to get the Christmas lights ordered before they go off sale. He will work on the street lighting map as soon as possible. The Mosquito Abatement Board has reported there has been West Nile Virus in some pools, but no one in Utah has contracted it this year as of last Thursday. When he asked about the EDA report Zions Bank had conducted, it was said it was finished but would not be coming before Council since it was emailed to them all. He stated HB 477 from 2011 provides that voice mails, instant messages, video chats and text messages are not records with some exceptions. The DRC has not met since he last reported on it.

Mayor Macfarlane said she has not heard from Representative Ray on a MIDA invitation with the Governor and asked Council Member Furniss if he had heard from him. Council Member Furniss replied the North Davis Sewer Board talked about it and they want to meet with the coalition and decide what they want the letter or resolution to say. His goal is to have that done by December, when his term ends. He hopes Representative Ray follows through on his word and helps them out with the resolution. Mayor Macfarlane said they would have department reports and then come back to hers.

8. **Department Reports:** Police Chief Eborn advised he met with some people of the Davis County School District and they wanted him to let the City know they have been pleased with the Student Resource Officer in Sunset Jr. High and they intend to again pay 50% of the Officer's wage for the nine months he is in the school. The "Under the Stars" car show went fine and there were no law enforcement problems. Mayor Macfarlane reported there were just under 300 cars there and it was well attended.

Treasurer/Office Manager Youngdell reminded the Council about the annual Utah League of Cities and Towns Conference September 16th-18th. The 17th is the day the Planning Commission can attend, so she will see which of them can attend. There are a couple Council Members she has not heard from yet, so she will try to catch them before they leave tonight so she knows whether or not to register them.

Fire Chief Weston asked the Council Members to check their emails because he is sending another list of applicants he wants to hire for the four-man engine crew and he needs their approval to do so. Saturday, they conducted five live burn trainings in the rental house. He thanked the Council for that opportunity.

Public Works Director Monroe advised Kids Club is now over and they held a BBQ for the kids last Thursday. Next year it will be run totally different. The department was out

striping the school crossing zones and some 25 mph zones yesterday. The bike rack pad has been poured, the rack is ordered and is six weeks out. They have taken 18 trees out on the east side of Main Street, but they cannot mow the east side until UDOT is finished with their road project. He will take down the North Park sign and they will refer to the park by its name, "John G. White Park". Council Member Peterson asked what signage will be put up at the newly named Rachael Runyan Memorial Park. Director Monroe said he would put up a normal park sign and the memorial will be done by others. Chief Eborn suggested they wait until the memorial is designed to see if it has the name of the park on it and the Council was in favor of that as long as it didn't take too long.

Mayor Macfarlane suggested the ground in the north end of the public works yard be groomed instead of keeping it a weed patch and maybe use it as a walking track or dog park. They could possibly make a walkway between two of the homes on 400 West to get to it. She asked what they thought. Council Member Peterson believes they would need a good fence between it and the public works equipment and buildings and they would have to hire another public works employee. Council Member Furniss agreed with Council Member Peterson and said they would need to purchase a house to gain an entrance to it before they begin developing it, although looking at it from a public works standpoint he would not want a park there with all the expensive machinery they have that could be vandalized. Council Member Peay asked if they are sure what side the 1800 North project is going to take and if the public works buildings will have to be moved back to the north. Director Monroe said he needs the detention pond back there engineered to see if it is adequate, too big or too small. If it is too big, they can use some if for public works' needs. Mayor Macfarlane said she brought this up just so they could keep in mind there is a small piece of property back there they may be able to do something with. She will be attending a training next week in Orlando, Florida with the Wasatch Integrated Systems Board, so Council Member Snow will be the Mayor Pro Tem while she is gone.

Council Member Peterson made a motion to adjourn. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay, Ripple and Snow voting yes.

The meeting adjourned at 8:15 p.m.

Approved – September 15, 2015

/s/Beverly K. Macfarlane, Mayor /s/Susan R. Hale, Recorder