

**Sunset City Corporation
City Council Minutes
August 21, 2012
Page 1 of 6**

Minutes of a regular meeting held August 21, 2012 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

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 Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Norm Noyes	Public Works Director
Duane Arbogast	Police Officer
Jared Jensen	Police Officer

Others Present:

Pastor David Martin	Liberty Christian Church
Scott Stevenson	Planning Chair
Terry Avondet	Citizen Corps

REGULAR SESSION

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

Pastor David Martin gave the invocation and Boy Scout Troop 306 led the Pledge of Allegiance.

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of August 7, 2012 as presented. Council Member Andrews seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Furniss made a motion to approve the voucher for Davis County in the amount of \$22,546. Council Member Carlson seconded the motion. The motion passed unanimously.

Citizen Comments: Police Chief Eborn introduced the newly hired Officer, Jared Jensen. Recorder Hale gave the Oath of Office to Officer Jensen and he was welcomed by the Mayor and Council. Chief Eborn reported Officer Duane Arbogast graduated from the DARE course Friday and during the graduation ceremony he was awarded the Outstanding Team Leader Award. He will be the new Sunset DARE Officer. He was congratulated by the Mayor and Council.

1. **Appoint Scott Stevenson as Planning Commission Chair:** Council Member Peterson explained the previous Chair, Tena Hale, has resigned so the Planning Commissioners would

Sunset City Corporation
City Council Minutes
August 21, 2012
Page 2 of 6

like the Council to appoint Scott Stevenson to finish the remainder of 2012 as the Chair. There are three alternate positions open now. Commissioner Stevenson said he is a Civil Engineer mostly working in the transportation realm of traffic operations and maintenance. Most of his work deals with UDOT, UTA and some cities. He has been with the Planning Commission for almost a year. Council Member Peterson pointed out he did a lot of the work on the newly amended General Plan.

Council Member Peterson made a motion to appoint Scott Stevenson as the Planning Commission Chair for the remainder of 2012. Council Member Furniss seconded the motion. The motion passed 4 to 1 with Council Member Andrews voting no.

- 2. Appoint Jonathan Ellsworth as a full Planning Commissioner:** Planning Chair Stevenson said due to the resignation of Tena Hale, there is an opening for a full Commissioner and the Commissioners would like Alternate Commissioner Jonathan Ellsworth appointed as a full Commissioner. He has been with the Planning Commission for about six months and his professional background is in planning.

Council Member Peterson made a motion to appoint Jonathan Ellsworth as a full Planning Commissioner. Council Member Carlson seconded the motion. The motion passed 4 to 1 with Council Member Andrews voting no.

- 3. Presentation of amended General Plan:** Planning Chair Stevenson said the Commissioners wanted to give the General Plan a fresh look and update anything that was out of date. They included some goals, strategies and policy statements to help guide future development in the City. One of the big concerns they tried to address were the changes that will come with the 1800 North project. They also updated the capital improvement projects plan with the help of Public Works Director Noyes. It was pointed out that the goals are not policies, but items to consider. Chair Stevenson said there is a discrepancy in Section 1.3 - Community Description in that the City is perceived to be ½ mile wide, but the annexation plan map shows the City including a portion of Hill Air Force Base. He will make that correction to make it accurate.

Fire Chief Coker commented that he disagrees with the recommendation on page 31. He was not asked about it nor consulted. Chair Stevenson clarified that the point of the Capital Improvement recommendations were to begin discussions. They are in no way set in stone. Council Member Andrews pointed out on page 4 under government services, the department of Recreation was left out. Chair Stevenson said it was an oversight and will be added. Council Member Furniss reminded everyone that the General Plan is not the hard, fast law of the City; it is a working document to be amended as things change. Mayor Bangerter said he is very impressed with the design of the Plan. Council Member Snow would like the item tabled until the next meeting because he has not had the time to review it.

Council Member Snow made a motion to table this item until the next meeting so it can be reviewed more. Council Member Andrews seconded the motion. Council Member Carlson said he attended the Public Hearing and believes the Plan was done well. He suggested making the maps on pages 25 and 26 larger. Chair Stevenson said the final copies will have

full 11 x 17 size maps as fold outs and in color. The motion did not pass with a vote of 2 to 3. Council Member Furniss, Council Member Peterson and Council Member Carlson voted no.

Council Member Furniss made a motion to approve the amended General Plan submitted tonight, realizing it is a living document and it will continue to have changes. Council Member Carlson seconded the motion. The motion passed with a 3 to 2 vote. Council Member Snow and Council Member Andrews voted no.

4. **Discussion and possible approval of Department Heads' assessments for employee performance bonuses:** Mayor Bangerter handed out a copy of what the Department Heads had given to him. The column on the left shows the bonuses given in March and the center column shows the suggested bonuses by the Department Heads. It was decided to only talk about the total dollar amounts in each department, not the individual employee amounts. Mayor Bangerter has discussed these amounts with each Department Head. The amounts for each Department given in the last meeting were based on what was given the first time and did not take into consideration the employees who have since left the City's employment. The new amounts are \$1,500 for Court, \$2,000 for Administration, \$4,000 for Police, \$6,250 for Fire and \$3,250 for Public Works.

Council Member Furniss made a motion to approve the bonus recommendations as submitted. Council Member Snow seconded the motion. The motion passed 4 to 1 with Council Member Andrews voting no.

5. **Discuss amendments to Sunset City Code section 1-6-4 regarding Board assignments:** Mayor Bangerter explained this amendment is to correct the names of the Boards the Mayor and Council Members are appointed to. After some discussion it was decided to omit the Military Installation Development Authority (MIDA) Board since Sunset does not currently have a seat on the Board and it is the Board's decision as to who is appointed to it, not the City's decision. The amendment will be written in ordinance form and approved at a later meeting.

It was mentioned to begin having the Members appointed to the Boards sign a letter as required in 1-6-4.D paragraph 2. Recorder Hale will draft the letters according to the ordinance.

6. **Discuss amendments to Sunset City Code Title 3, Chapter 8 – Temporary Businesses:** Recorder Hale explained temporary businesses were not always conditional uses. A few years ago there was a problem with a business selling a product for the maximum 90 days then having another person apply for a business license in their name so they could stay there for another 90 days. Also, there was a problem with garbage, etc. In order to forgo that type of problem in the future, the ordinance was changed to a conditional use. This created a new problem in that vendors such as the annual vegetable stand had to go before the Planning Commission and Council every year and that cost them more money when they have never been a problem. It caused other vendors problems because it took so much time (usually at least 3 weeks to get a temporary license) and it was not worth it to them to lose so much of a

season. She used portions of ordinances from Clearfield, Kaysville and Bountiful, but did not use Clinton's because it seems they only allow temporary licenses within other stores, like kiosks in the malls. She used the portions she felt would fit Sunset and brought it before the Council for them to review and decide what amendments they want implemented.

The amendments were discussed and the following changes were suggested to the draft:

- 1) 3-8-3.C - The City [Council or its designee] shall have the right to request any investigation.....
- 2) 3-8-4.A – Maximum Time Limit: Each temporary business shall be limited to a period of not more than ninety (90) consecutive days on any property or parcel of land in the City within a ~~twelve (12)~~ [nine (9)] month period. Within any ~~twelve (12)~~ [nine (9)] month period no more than one temporary vendor selling a product or type of product shall be permitted on any site or parcel of real property. [This regulation shall not apply to temporary businesses participating in a City sponsored event or activity.]
- 3) 3-8-4.C – Location: The temporary business shall be located on private property ~~and only as a secondary use to another primary commercial use~~. The business shall not be located on public property including public sidewalks, public streets, public parking areas or other public places as defined by the City or on ~~vacant or~~ residentially used property, regardless of the land use zone.....

It was decided the Council would review the amendments further and discuss it again at a future meeting.

7. **Council Member Reports and General Information:** Council Member Andrews thanked Pastor Martin for giving the invocation and Boy Scout Troop 306 for conducting the flag ceremony.

Council Member Furniss also thanked Pastor Martin. He welcomed the new Police Officer and commended Chief Eborn for stepping up and taking a patrol shift while the Department has been understaffed. He is thankful for the discussions they have during their meetings. He looks forward to working with the new Planning Commission Chair and said the whole Planning Commission has great talent.

Council Member Peterson thanked everyone for what they do. He feels the Planning Commission worked hard on the General Plan and presented a good product. He advised the Planning Commission now has three alternate positions available and asked everyone to help find people to fill them.

Council Member Snow thanked Pastor Martin also. He said John Stratton, who was appointed to the Military Affairs Committee, told him he hasn't heard anything and needs some guidance as to when the Committee meets, etc. Council Member Carlson said he would check on the next event and contact him. Council Member Snow commented on the CERT Class and Fire Chief Coker clarified the present class will end the first part of October.

Sunset City Corporation
City Council Minutes
August 21, 2012
Page 5 of 6

Council Member Carlson echoed Council Member Furniss' words about the City staff and Planning Commissioners. He referred to a letter he received from Pastor Martin, whose church is located in Sunset Square, regarding several problems with the tenants of unit #15 over the past three years. On Saturday nights there has been loud music, alcohol and unsupervised children. Then in the mornings the steps to both entrances are littered with trash such as paper plates, dirty diapers, beer cans, spoiled food, etc. and rocks and dirt from the flower beds are strewn across the sidewalk and parking lot. He was concerned about the 3-4 year olds who were unsupervised and running in between the cars in the parking lot. He has contacted the owner of the complex and reported the problems to the manager who leases out the unit for the parties. Promises were made that those items would stop, but the problems have persisted. His church members have started coming to the church at those times to monitor their property. Mayor Bangerter asked Chief Eborn if he was aware of these activities. Chief Eborn replied he has noticed an increase in calls for noise, but nothing like it used to be in the past. Mayor Bangerter asked Chief Eborn to have the Officers patrol the area more and report back to the Council. Council Member Furniss suggested a letter or a phone call from Chief Eborn, the Mayor or a Council Member to the owner of the business letting him know he is ultimately responsible as a landlord and could be cited. Pastor Martin said the purpose of his letter was to seek counsel as to what they could do to help the situation. In fairness, they have started picking up the parking lot a little better. His concern is the safety of the unsupervised children. They aren't doing things maliciously, but due to their behavior destruction is taking place. Chief Eborn believes, with Recorder Hale's help, a letter would be a good starting point.

Police Chief Eborn advised they are hosting a police training session tomorrow in the Sunset Room with 25-30 Officers from different agencies. He said the car show went well. Two Officers patrolled the event and Terri Avondet with VIPS helped out. He talked with someone at 7-Eleven afterwards and they said during the time of the car show they doubled their normal amount of sales.

Public Works Director Noyes reported they are in the process of installing the new radio read meters and should be done in the next couple of weeks. The chip seal project has been pushed back a few days by the contractor. He is working with a professional grant writer to research and secure grant monies. He has had three Eagle Projects proposed recently in which the City will provide the materials and the Scouts will provide the labor.

Treasurer/Office Manager Youngdell said the annual audit by Wiggins and Company on behalf of the North Davis Sewer District is complete and there were no problems. She asked those who hadn't told her yet to let her know if they are or are not going to the Utah League of Cities and Towns conference so she can submit their registrations. She reminded them that the registration or extra lunch or banquet tickets for their spouses would not be paid for by the City. It was asked if it was beneficial for the spouses to attend the conference. Usually speakers are provided for them or they are taken on tours and a few Council Members' spouses have been presidents of the Auxiliary.

Fire Chief Coker advised the Fire Department is gearing up for the annual open house and safety fair in September. He has to report to FEMA soon on the NIMs training so he needs to

Sunset City Corporation
City Council Minutes
August 21, 2012
Page 6 of 6

know who has what certifications by the first of September. The firefighters are currently doing "Fill the Boot" for MDA.

Mayor Bangerter said the recent car show gave an example of what an outside party can do for the City. They had 267 cars at the show and it increased business in the City. A few of the community businesses sponsored some of the awards. He will have a follow up meeting with the promoters. He recently returned from a conference in Washington D.C. for the Wasatch Integrated Waste Management District where recycling was pushed once again. He would like to offer a recycling program in Sunset and will put it on a future agenda. He asked the Council Members to discuss the issue with their neighbors to see what the feeling is in the City. He learned it is mandatory to recycle in Montgomery County, Maryland and it is a \$500 fine if caught not recycling. He thanked Pastor Martin for the invocation and said he would like to visit one of their services like he has other community religious organizations.

Council Member Carlson made a motion to adjourn. Council Member Andrews seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:30 p.m.

These minutes have been read and approved at the regular City Council meeting held **September 18, 2012.**

Chad Bangerter, Mayor

Susan R. Hale, Recorder