

Sunset City Corporation
City Council Minutes
August 22, 2017
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Minutes of a regular meeting held August 22, 2017 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 |
| Jake Peterson | Council Member |
| Scott Wiggill | Council Member |

City Employees Present:

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

Others Present:

| | |
|-------------------------|-----------------------------------|
| Aricka Yocom | Ricky's Towing |
| Ricky Emertson | Ricky's Towing / Sunset Auto Body |
| Janice Hulse | Sandy Bybee |
| Rachel Giles | Michael Love |
| Laura Penman | Jeremiah J. Jackson |
| Joyce King | Wanema Butcher |
| Janet D. LuJan | Arlo Doyle |
| Nancy & Robert Smalling | |

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

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of June 20, 2017, and July 18, 2017, as presented. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

Public Comments: There were none.

1. **Canvass of the 2017 Primary:** Recorder Hale read the results of the 2017 Primary as follows:

| | | |
|-----------------------|----------------------------|---------------------|
| Mayor: | Council: | |
| D Howard Madsen – 313 | Scott Wiggill – 395 | Steven Pease – 222 |
| Laura Penman – 235 | Nancy Greco Smalling – 258 | Jake Peterson – 173 |
| Michael Love – 135 | Austin-Arlo Doyle – 234 | |

She thanked all the candidates for running and explained Michael Love and Jake Peterson would not be going through to the Municipal Election.

Council Member Peterson made a motion to approve the 2017 Primary Canvass. Council Member Bangerter seconded the motion. The motion passed unanimously with a roll call vote. Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes, Council Member Bangerter – yes, Council Member Peterson – yes.

2. Present Neighbors Helping Neighbors awards to Sandy Bybee, Rachel Giles and Janice Hulse for hosing an open house in honor of the Sunset City Public Safety Departments:

Mayor Macfarlane explained that the Neighbors Helping Neighbors awards were recommended by the Mayor and City Council to present to people who went above and beyond in their service to the community. Mayor Macfarlane explained that this month's recipients put together a thank-you event for the Fire Department and Police Department for the service they render to the citizens of Sunset. The organizers made corsages and organized an outstanding event. The fire fighters and police officers were very pleased and felt appreciated by the citizens they serve. Mayor Macfarlane then read the certificates that were presented to Sandy Bybee, Rachel Giles and Janice Hulse.

3. Opportunity to show why the conditional use business licenses for Sunset Auto Body and Ricky's Towing, both located at 2123 N. Main, should not be revoked:

Mayor Macfarlane invited the business owners, Renn McBride and Aricka Emmertson Yokom, to address the City Council. Ricky Emmertson, speaking on behalf of Sunset Auto Body and Ricky's Towing, clarified that the name Renn McBride was a typo and explained that Sunset Auto Body and Sunset Auto were two different companies, both located at 2123 North Main. He noted that there had never been an owner at Sunset Auto Body named Renn McBride. After the names of the business owners were corrected, Mayor Macfarlane invited Mr. Emmertson to address the City Council about the situation under consideration. Mr. Emmertson first requested clarification on the concerns the City had with regard to the two businesses. Recorder Hale read the contents of a letter, which was included in the meeting packet, requiring that the business owners appear before the City Council to explain why the conditional use business licenses for Sunset Auto Body and Ricky's Towing should not be revoked. The letter stated that cars were being improperly stored at 2173 North Main and they were to be removed immediately. Inasmuch as the cars had not been removed, the letter stated that clarification was needed to ascertain which business was storing vehicles on the said lot at 2173 North Main. The conditional use business license for Ricky's Towing stipulated that all sales of vehicles were to take place anywhere other than the front of the building. The letter further stated that since there were several vehicles for sale in front of the building, the business owner was out of compliance with the conditional use business license.

Mr. Emmertson then identified himself as being from Sunset Auto Body. Mr. Emmertson was invited to address the concerns that were identified. He indicated he had moved the cars that were in the front of the building and on the street. He stated they were now parked off-site. The letter Mr. Emmertson had received stated the wrong address of the location in

which the cars were parked. He added his cars were not parked at the address stated in the letter.

Council Member Bangerter explained he had spoken with the Motor Vehicle Division in Salt Lake City. He noted that the City was dealing with multiple issues at this meeting and it was essential to deal with just the issue at hand. If the issue pertained to Sunset Auto Body, Council Member Bangerter observed that Mr. Emmertson had a car dealer's license with the State of Utah to sell vehicles.

Mr. Emmertson noted his business license from Sunset City in 2014 included auto sales. Council Member Bangerter clarified that according to the City's records of business licenses, that use was not listed. Mr. Emmertson stated this was an issue that needed to be addressed. Council Member Bangerter stated the matter could not be resolved at this meeting, but it needed to be taken care of.

Council Member Bangerter then explained to the City Council that this business owner was conducting multiple functions out of the Sunset Auto Body business. Mr. Emmertson had an auto body license, a dealership license, and a dismantler's permit. He noted that Mr. Emmertson was licensed by the State of Utah to operate those businesses, but in the City of Sunset auto sales had been left off of his license. Council Member Bangerter then observed that the real issue pertained to Ricky's Towing because with regard to that business, Mr. Emmertson was told that he would not have cars parked out front. He noted that Mr. Emmertson had been allowed by the City to sell impounded cars through Ricky's Towing, but he was also told not to put cars in front so that the customers would have a place to park without having to park on the street. He asked Mr. Emmertson if he was willing to abide by his conditional use permit and not park cars in front of his property. Mr. Emmertson asked if Council Member Bangerter was referring specifically to Ricky's Towing, to which Council Member Bangerter replied in the affirmative. Council Member Bangerter clarified for Mr. Emmertson that he was licensed by the State of Utah to be a dealer, but Sunset Auto Body was not licensed by Sunset City to be a dealer with its current business license. Council Member Bangerter added that if the records could not be found from his previous meetings with the Planning Commission to operate his business with a conditional use permit, he would have to go through the process again.

Mr. Emmertson stated that he had moved many cars from off his property as a result of the letter he had received. He assured the City Council that he would do what he needed to do. Mayor Macfarlane reiterated Council Member Bangerter's statement that Mr. Emmertson would need to re-address his conditional use permit with the Planning Commission.

In response to Council Member Noyes's question as to the amount of time Mr. Emmertson would need in order to come into compliance with the various issues while being allowed to continue to operate his businesses, Mr. Emmertson requested 90 days because some of the issues that had been presented to him at this meeting were new to him and he needed time to collaborate with Sunset City and work through the legal logistics of his business license.

Council Member Noyes made a motion to grant Ricky Emmertson 90 days to come into compliance with the conditional use license. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson, and Wiggill voting yes.

- 4. Consider Resolution 2017-19 appointing two ex-officio, non-voting members to the Control Board of the North Davis Fire District for the duration of the interlocal agreement:** Mayor Macfarlane noted these appointments were ex-officio positions she is to appoint with the advice and consent of the City Council. Mayor Macfarlane said since she was the Mayor until December 31, she needed more time to think about this issue and indicated that she wanted to table this agenda item.

Council Member Noyes moved to table this agenda item. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson, and Wiggill voting yes.

- 5. Consider Council Assignment amendments:** Mayor Macfarlane indicated that since the appointments from agenda item 4 had been tabled, she was not going to consider Council Member assignment amendments at this point in time.

Council Member Noyes moved to table Council Member assignment amendments. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson, and Wiggill voting yes.

- 6. Mayor, Council and Department Head reports:** Council Member Bangerter stated U-Haul was moving in and had taken down some fences.

Council Member Carlson advised there had been some reports in the media about the West Nile Virus going around. He stated at the last reporting period, it was discovered there were 28 mosquitoes carrying West Nile and one horse in Carbon County had West Nile. There had been no reports of human cases. He then enumerated the counties in which mosquitoes had been identified as having West Nile. Comparatively speaking, Utah was doing fairly well in regards to the West Nile Virus. He added a new facility had been built that had a lab so that personnel could test locally for West Nile. This would allow for immediate results and the ability to address the needs in a timely manner. Council Member Carlson expounded on the benefits of having the local ability to test mosquitoes for West Nile instead of outsourcing the tests. The lab will serve Davis County.

Council Member Noyes stated he had attended a meeting of the Development Review Committee (DRC), which serves the Falcon Hill Area. He explained there were some exciting things coming in for new job opportunities in high-tech industries that would require thousands of square feet of office space. He added there had been some progress on what was hopefully going to happen with 1800 North. Mayor Macfarlane explained the importance of having Council Members at the different meetings, such as the DRC meeting on which Council Member Noyes had reported.

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Council Member Peterson stated he had nothing to report at this time.

Council Member Wiggill advised the Sunset Citizen Corps was going to be doing some joint work with Clearfield City for Citizen Corps and Emergency Preparedness. He stated it was important to get the word out to the citizens about this collaborative effort. The classes will be in September and October and they would be put on the City's web page. Mayor Macfarlane complimented Council Member Wiggill for the work he has done to help with emergency preparedness.

Treasurer/Office Manager Youngdell reminded the City Council of the Utah League of Cities and Towns Convention that was scheduled for September 3. The City had three people registered to attend thus far.

Police Chief Eborn congratulated the candidates who would be moving to the next round of the election. He stated he had attended the recognition event for the fire fighters and police officers and the event was very well done. The fire fighters and police officers were very appreciative of that gracious gesture. He added the feedback he had received from the police officers was that events such as that made their job worth it. Chief Eborn reported August 26th had been designated by the State legislators as the Rachael Runyan/Missing and Exploited Children's Day. There would be an event at the Rachael Runyan Memorial Park on the 35th anniversary of her abduction from that area.

Mayor Macfarlane presented Rachel Giles, who was not present at the beginning of the City Council meeting, her certificate for the Neighbors Helping Neighbors Award.

Public Works Director Monroe stated a car show had taken place on August 12th. It was a very successful event and featured 322 vehicles. There were some problems with the lighting that need to be addressed. Director Monroe indicated that 1300 North would be closed on Thursday, August 24th, for about eight hours to put an overlay on the road. The paperwork for the environmental work regarding 800 North was completed and submitted to UDOT for review in conjunction with the State Damage Protection grant. He had not advertised the full-time position yet because he and Council Member Carlson were still working on the job description. Director Monroe thanked everyone for their responses to the many emails he sent out. In response to Mayor Macfarlane's question regarding the junior high students who would need to cross 1300 North on Thursday, Director Monroe said they would be able to cross the street because the overlay was taking place between Main Street and 250 West.

A member of the audience, John Carey, expressed his concern about the number of people who run the four-way stop sign at 800 North. He suggested that a flashing light powered by a solar panel might improve the safety of that intersection since many children use that intersection. Director Monroe noted that Clearfield City had crossing guards at that intersection, so he wasn't certain that a light would help. Mr. Carey explained that the problem was most prevalent in the evening, when people did not see the sign. Mayor Macfarlane invited Police Chief Eborn to respond to this concern. Chief Eborn stated that

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there were options available. The key issue would be the expense of the options and what the City wanted to do. In the meantime he would notify the police officers that this was a problem area and would need heightened enforcement. A few traffic citations would mitigate the situation. He cautioned that making changes could create new problems that could then be a liability to the City. Public Works Director Monroe said he would check on the reflectivity of the signs to make sure there weren't any trees or overgrowth impeding the view of the signs. He added that in preparation for the new school year, all of the crosswalks had been repainted. Mayor Macfarlane acknowledged the stellar efforts of the Public Works Department to take care of the many responsibilities that devolve upon that department in behalf of the citizens of Sunset.

Mayor Macfarlane stated she had a golfing meeting with the members of the Commissioners' Cup. She also met with the area mayors where they discussed the audit issues that had been brought up at the County level. She emphasized the importance of the Mayor's attendance at those meetings so that Sunset City had a voice in the issues that were discussed among the mayors. She thanked the Council Members for their participation in the various committees to which they had been assigned. She acknowledged their love for Sunset and their desire to serve the citizens. She urged the citizens to have patience with and to express appreciation to the Council Members and City employees for the service they render on behalf of the citizens of Sunset.

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

The meeting adjourned at 7:25 p.m.

Approved – October 3, 2017

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder