

**Sunset City Corporation**  
**City Council Minutes**  
**September 5, 2017**  
**Page 1 of 5**

Minutes of a regular meeting held September 5, 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:**

Linda J. Youngdell	Treasurer/Office Manager
Jason Monroe	Public Works Director
Ken Eborn	Police Chief
Bruce Arbogast	Police Lieutenant

**Excused:**

Susan R. Hale	Recorder
---------------	----------

**Others Present:**

Ricky Emmertsen	Sunset Auto Body
Scott Stevenson	Planning Commission
Arlo Doyle	Michelle Argyle
Allyson Jackson	Janet D. LuJan
Wanema Butcher	Joyce King
Kevin Snow	Aricka Yocom
Laura Penman	Lauralee Beazer

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

Mayor Macfarlane gave the invocation and led the Pledge of Allegiance.

**Approval of Minutes:** Council Member Wiggill made a motion to approve the minutes of August 1, 2017, as written. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Peterson and Wiggill voting yes.

**Public Comments:** Howard Madsen expressed his concern that the resolution to appoint two officials to the Control Board of the North Utah Fire District was on the agenda for a third time. Mr. Madsen hoped that the City Council would come to terms and resolve the problem. He then shared some information he gathered from the Fire District Chief Mark Becraft. Chief Becraft told him the Mayor was the Emergency Operations Commander and was therefore responsible for public safety. He stated his preference of having the majority of the Board be comprised of

mayors because of the knowledge that mayors had of their cities. Mr. Madsen stated it was important for Sunset to be represented and for input to be provided on behalf of the residents.

Bill Kirschner also commented on the Board appointment and said he felt that Mayor Macfarlane should be on the Board. The Mayor was the leader of the City and should represent the Sunset residents.

Lauralee Beazer stated that she was proud of Sunset City in general, but the incident with the Fire District Board seemed to be a step back. The Mayor was the senior officer for the community, whether that person is masculine or feminine.

Kevin Snow said the issue of the Fire District Board appointment had been going on for too long. Mr. Snow was concerned about the money that had been wasted on attorney's fees for the referendum. The citizens wanted to be able to vote on the annexation. He warned the City Council that they were acting contradictory to their own laws.

Allyson Jackson, one of the sponsors of the referendum, said she personally went into the community and obtained almost 130 signatures. She said the City Council continually asked the community to trust their decisions, but trust was a two-way street. The residents felt that their opinions and concerns had been ignored and they were upset. The decision to have a City Fire Department affected the entire community and the residents felt they needed to vote on the issue.

1. **Present Award to Police Lt. Bruce Arbogast for Employee of the Quarter:** Council Member Carlson read a letter describing Lt. Arbogast's actions that lead to this award. Mayor Macfarlane, the City Council and Police Chief Eborn congratulated Lt. Arbogast and thanked him for his service.
2. **Consider a Conditional Use Request for Sunset Auto Body to sell used automobiles at 2123 N. Main and to park tow vehicles/trucks on property north of Sunset Auto Body:** Planning Commissioner Scott Stevenson reported that the Planning Commission recommended the City Council amend the conditional use permit for Sunset Auto Body to include vehicle sales with the conditions that parking stalls in front of the structure must be striped and that some sort of road base must be installed on the other lot for the parking of towed vehicles. He noted Mr. Emmertsen had made an agreement with the owner of the smaller property to be able to park his vehicles there.

Council Member Bangerter commented that the City Council had previously discussed a 90-day timeframe for Mr. Emmertsen to prepare the property for development and the two parties had entered into a lease agreement. Council Member Bangerter said the business license would have to be adjusted to include the new property or a second business license would need to be obtained.

Ricky Emmertsen stated this issue was not addressed during the Planning Commission meeting, but he was willing to obtain a separate business license, if necessary. There was

some discussion regarding the business operations and locations and the business license corrections that would need to be made.

Commissioner Stevenson said there were some storm water drainage concerns with the second parking lot, which was why the Planning Commission had determined to require a permeable material rather than paving. There was still the issue of where the water runoff would go.

Mayor Macfarlane commented that Mr. Emmertsen had a State license to sell vehicles, but that was not included in his City business license. Mr. Stevenson said amending the conditional use permit to include auto sales would allow the applicant to get the City license to sell. The storm water issue had not been fully resolved and the applicant would eventually need to conduct an engineering study for the second parking area.

Council Member Carlson was worried that the stipulations given by the Planning Commission and City Council would be overlooked if they did not set a timeframe for them to be completed. Mayor Macfarlane assured Mr. Emmertsen that the City Council wanted his business in the City, but they wanted to be sure that he had enough room on the properties to properly expand his business.

Council Member Wiggill asked for clarification on the storm water issue. Mr. Emmertsen presented three possible options and said he would prefer that the City conduct a quick analysis of the infrastructure to see if it could accommodate the runoff. If the City's infrastructure was nowhere near capacity, it would not be necessary for him to do his own engineering study. Mayor Macfarlane asked Public Works Director Monroe if it was advisable for Mr. Emmertsen to conduct his own engineering study, or if the City should do their work first. Mr. Monroe said that normally the developer comes to the City with all their studies and numbers first. It is the burden of the applicant when developing the properties.

Mayor Macfarlane felt they needed to address the number of vehicles allowed on the site and the clearing up of the business licenses. She was in favor of imposing a timeline for obtaining the other property needed for his business to grow. Mr. Stevenson said that parking would be dictated by the striping required. There was some discussion regarding the standard size for parking stalls in Sunset City.

Council Member Bangerter made a motion to approve the conditional use request for Sunset Auto Body, LLC to sell used automobiles at 2123 North Main Street and approve parking tow vehicles/trucks on the property north of Sunset Auto Body, with the following conditions: 1) the business license for Sunset Auto Body, LLC be adjusted to include "auto sales"; 2) a hard packed surface be installed on the north property for the parking area and the Council recommended he seek a permanent solution for the parking area over the next year; 3) the business licenses will be corrected and clarified; 4) striped stalls shall meet the standard parking stall size as outlined in Code; 5) the number of vehicles allowed on site will be determined by the number of striped parking stalls; and 6) two customer parking stalls will be provided on site. Council Member Wiggill seconded the motion. The motion passed

unanimously with Council Members Bangerter, Wiggill, Carlson, Noyes, and Peterson voting yes.

3. **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 stated the referendum had been submitted and she wanted this issue to move forward. The City was part of an interlocal agreement until December of this year and until the time a possible annexation took place Sunset City should be represented on the Control Board of the North Davis Fire District. Mayor Macfarlane explained that the Mayor was the Emergency Operations Commander and it was her duty to represent Sunset City. She was adamant that the Mayor should be a member of the Board. She then explained her reasons for proposing the appointment of Council Member Wiggill. She said that there were only four meetings left before the end of the interlocal agreement and the end of her term, but it was important to her that the Mayor represented the City on this Board. She commented that the new Mayor, whoever that may be, also has the duty to serve on the Board.

Council Member Carlson said he had attended some of the Board meetings and he felt that Sunset City was adequately represented and they did have a voice. He commented the Mayor had the authority to appoint individuals to various boards with the consent and advice of the City Council. In this case, the City Council had not consented to the proposed appointment. He also noted that Mayor Macfarlane's term would end in January, so he did not see the need for her to be appointed to the Board.

Council Member Peterson questioned why Mayor Macfarlane felt the need to be on the Board now, when she had delegated the responsibility of overseeing the Fire Department to Council Member Wiggill several years ago. Mayor Macfarlane reiterated that the Mayor was the Emergency Operations Commander and it was important for the Mayor to represent the City on the Board.

Council Member Bangerter commented that this was not the first time the City Council had disagreed with a Mayor's proposed appointments. It did not make sense to appoint Mayor Macfarlane to the board at this point because her term would be over in a matter of months. He also said the annexation was more important to the Fire District than the referendum at this point. Mayor Macfarlane said that Council Member Wiggill was over the Fire Department, but she spent countless hours with him and the Fire Chief regarding operations and she was very involved. She said she had not shirked her mayoral duties.

Council Member Wiggill made a motion to approve Resolution 2017-19 appointing Mayor Beverly Macfarlane and Council Member Scott Wiggill as ex-officio, non-voting members to the Control Board of the North Davis Fire District for the duration of the interlocal agreement. Council Member Noyes seconded the motion. Council Members Peterson, Carlson and Bangerter voted no. Council Members Wiggill and Noyes voted yes. The motion failed 3 to 2.

4. **Mayor, Council, and Department Head Reports:** Council Member Bangerter reported the U-Haul development was coming along well and an application had been submitted for the development of the property south of TNT. He said the storage units on the property were still an issue and he hoped they could be included in the housing development.

Council Member Wiggill stated that September was Emergency Preparedness Month. CERT classes were being offered through Clearfield City and those classes would begin on September 19<sup>th</sup>. He expressed his disappointment with the results of the Board appointment.

Police Chief Eborn said it was a pleasure to recognize an employee from his department as Employee of the Quarter.

Public Works Director Monroe reported that 1300 North had been temporarily repaired and it should hold up until the City receives bids in the spring. He also reported that one of the City's lawn mowers was out of order.

Mayor Macfarlane stated she had been in discussions about the operations of the City's waste management system and they were in the initial stages of a transfer station. It did not appear there would be a tax increase at this point. Regarding the Fire District Board, she said it was unfortunate that the Council did not fully support the Fire District. It was disheartening to her that she also did not have their support.

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

The meeting adjourned at 8:10 p.m.

Approved – October 17, 2017

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder