

Sunset City Corporation
City Council Minutes
September 17, 2013
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Minutes of a regular meeting held September 17, 2013 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

REGULAR SESSION

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 J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Norm Noyes	Public Works Director
Travis Carter	Asst. Fire Chief
Brett Jamison	Police Sgt.
Bret Bateman	Police Officer

Excused:

Breen Lowman	Fire Chief
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Others Present:

Robin Buckwalter	Sunset Jr. High School	
Terry Avondet	Citizen Corps	
Trystal Peay	Beverly Macfarlane	Chris Hadley
Leon Cooper	Joyce Hammer	Carl W. Clayton
Kathy & Wayne Gittins	Brian Lamar	Ken Kirk
Whitney & Jason Salisbury	Ezra Moss	Chris Kierman
Dayton Wilson	Corey Wilson	Giovanni Sierra
Carolyn Hatley	Scott Hess	Skyler Bangerter
Ryan & Katharine Walker	Bonnie Loomis	Alex Nava
Carol Hasarati	The family of Officer Bret Bateman	

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

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

Approval of Minutes: Council Member Andrews made a motion to approve the minutes of September 3, 2013 as presented. Council Member Furniss seconded the motion. The motion passed unanimously.

Public Comments: Terry Avondet said she has spent many hours watching and talking to the kids at the skate park. She and her friends have kids of various ages who have used the skate park, the track and the park itself. Not all kids are perfect; some swear and some smoke, but not all parents are perfect either. Some of them drop their kids off at the park as a cheap babysitter. The language and bullying are just as bad in the schools. The Council wants to take away the only thing Sunset has to offer the kids. She would like the Council to not make the mistake of destroying the skate park. She wishes the City had more than the skate park for the kids because they deserve more.

Scott Hess said he represented 50/50 Bike & Skate, a BMX shop in Layton. 50/50 and Bingham's Cyclery have been instrumental in working with cities as they implement skate parks. He thanked Sunset City for allowing bikes at their skate park. He was at the skate park on opening day and has ridden it several times since then. As he drove past today there were 13 kids there and he believes there aren't a dozen kids at the other parks combined unless there is a game going on. Anytime a park is used for games, etc. there is trash left behind. The skate park is being used consistently so there will consistently be trash left behind. If there is graffiti or damage, shut down the park for a while as a slap on the wrist, don't get rid of the use all together. This doesn't affect him being from Layton, but he is an advocate for the local users.

Wayne Gittins said his family used to use the park all the time before the skate park went in. He had reservations then and believes he could still be slanted in his point of view and may have found things to justify what he had worried about. Since the skate park has gone in his family has had multiple instances where offensive remarks have been made to his family members and some of it is just annoying behavior. He knows a lot of the kids using the skate park are good, but the atmosphere of the park has changed. He has asked his friends and neighbors on Facebook about their experiences and he handed a print out of their responses to the Council. His family now goes to the Clinton park because it does not have the same atmosphere. If there is a way to keep the skate park and solve the problems he would be all for it.

Joyce Hammer lives directly across the street from the skate park and said she has not had one bad incident with any of those kids. They mind their business and don't go into her yard. She feels if they are not at the skate park, they will be on the street and on people's properties. She would rather them be at the skate park.

Jason Salisbury from Bountiful has spent almost 10 years in Sunset helping to repair and clean the skate park and hosting events held at the skate park. Skateboarding has never been a bad influence to him and never held him back in his career in the military or anything else he has done. If the park is taken away it's another loss for the kids. He agreed with Mrs. Hammer in saying if the kids are not there, they will be elsewhere and the problems will just move to other parts of the City instead of being localized.

Chris Kierman of Ogden said he has been a skateboarder his whole life. Growing up there were not skate parks so they were on the streets and sidewalks, which got them in trouble throughout the City. In the last 10 years or so most cities have installed skate parks. He still skateboards

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and it is nice to have places to go. Like others have said, if they're not in the parks they'll be at the stores, schools, etc.

Trystal Peay lives fairly close to the skate park and said she does not mind the skate park, but she does mind what goes on at the skate park. Her three boys skateboard. The only times her boys get to use the skate park is when she is there watching them. Her boys have been bullied, asked to leave because they're not good enough and her 8 year old was told to leave just because he shouldn't be there. That is a huge problem to her and she has had to take them to other skate parks where they feel more comfortable. She would like the park to be shut down for a day or two when there has been graffiti, garbage or misbehavior so the kids know they are serious about misbehaving. So far there have been no consequences for their misbehavior. That makes it so her kids cannot use the skate park. Her three year old daughter was told to get out because she was three and Mrs. Peay believes she has the same right to be there as her nine and ten year old boys do. Something needs to change.

Catharine Walker lives in the apartment complex next to Mrs. Hammer. She has her windows open all summer and can't be in her house without hearing the f bomb all the time. It is frustrating when trying to shelter her three small children from it. She has had her son ask her why two girls are making out in the park. It is a family park and there should be family things going on. There are some bushes in front of their apartment building and once there was a boy peeing in the bushes. They always find beer cans and cigarette butts on their grass. Last summer there was even poop in the middle of the garages. The kids are just not respecting what they have been given. Her little boy loves to skateboard, but they can only go to the skate park when the kids are in school. She agrees the skate park should stay open, but it needs to be monitored. There is a fence around the skate park at Clearfield, which they close for a day when things have gotten out of hand to show the kids they are watching and serious about the rules. She would like to see something like this happen at Sunset's skate park.

Bonnie Loomis said she does not have children who use the skate park, nor does she live by it, but she feels the skate park is an attribute to Sunset. She believes the solution needs to start with the people using the skate park. When they see bullying, littering, rule-breaking they need to talk with the ones doing it. They need to be active participants in making the skate park a good place to go.

Alex Nava, a Roy resident, said every skate park he has visited has trash, swearing and graffiti. He doesn't believe those things can be gotten rid of completely. If they don't have the skate park to go to, they'll be skateboarding everywhere and there will be more trouble everywhere instead of in one place.

Dayton Wilson, a Roy resident, said he just left the skate park. Smoking and drinking will happen at all parks, not just skate parks. He also said if they don't have a park to skate at and express themselves where it's legal, they'll be going to the schools, etc. He said the drinking and peeing talked about might not even be from a skater.

Carol Hasarati, Dayton's grandmother, said Dayton has been skating for 10 years and skated at the Roy skate park before Sunset's skate park opened. The reason he came here was because a lot of kids at the Roy park were smoking pot. People will hear swearing wherever they go, such as in schools, malls, etc. She is the manager of a restaurant and there is always litter in the parking lot and there has been poop there as well. She believes closing the skate park due to littering and rule breaking is not the right answer. She echoed the above comments about if they're not at the skate park the kids will be in store, church and school parking lots; anywhere there are stairs or a ramp. The kids and problems won't just go away.

Ezra Moss, representing Annex Skate Shop in Bountiful, spoke about the behavior of teenagers in general and what skate boarding can do for it. Teenagers are naturally inclined to rebel. He was a pretty rough kid until he discovered skateboarding. Skateboarding kept him focused on something and led to a lot of his life decisions such as finishing college, starting his own business, etc. From a jeopardized youth he became a contributing member of society. He has listened to all the comments people have made here and it sounds like everyone is for keeping the skate park, but want to make a change to the behavior exhibited at the skate park. They need to make the skaters aware that they almost lost the skate park due to their behavior. If the parents are worried about their kids being bullied and feel they need to babysit them at the skate park, they may as well follow them to school or anywhere else. If the skate park is removed, he feels the Council will make it where down the road they won't want to cooperate and campaign for things that are important for their local area because they were let down at a time when they didn't understand. This experience these teenagers are going through is important to help them understand they can stand up and fight for something and learning they need to represent themselves as adults is a very important lesson. For that reason alone the skate park should remain. They should think of a way to make it apparent to the skaters that they need to behave themselves.

Carol Hasarati suggested getting a group of the skateboarders organized to monitor the behavior at the skate park.

Ken Kirk said his concern has nothing to do with the skate park. He has lived in Sunset four years and enjoys living here. His concern is speeding along 250 West past his house and the loud music that comes from the cars. He said every day he cannot listen to his tv or be in his basement without hearing stereos and loud mufflers as they go by. He was the State Safety Inspector and this stuff is not legal. He has spoken with the police, who have been fairly good with it. He has talked with Council Member Snow, who even sat with him at his house to listen quite a few times. When he is at home he likes to have peace and quiet and not have to listen to all this crap. He has been told it is not a problem or we've had this problem before but nothing's been done about it. He was told the Police would park a car there, but he hasn't seen one. It's not his job to write everyone's license plate number down to try to catch them. If it keeps up, when the housing market comes up he's going to sell his house and move out of Sunset. He wondered if he needs to write a newspaper article, talk with Gephardt or talk to the Davis County or State Attorney to get them to enforce the laws.

General Information: Police Chief Eborn apologized for not getting this item on the agenda, but he would like his new Officer sworn in because his family is here tonight. He introduced Officer Bret Bateman and Recorder Hale swore him in.

- 1. Recognize Police Sgt. Brett Jamison for achieving 15 years of employment with Sunset City:** Mayor Bangerter recognized Sgt. Brett Jamison saying he achieved 15 years of employment on August 17, 2013. He was congratulated by the Mayor and Council.
- 2. Request from Sunset Jr. High School for a donation to help support the annual Red Ribbon Week Fun Run:** Robin Buckwalter, a Counselor at Sunset Jr. High School, said she solicits support for the kids because she believes in them. She recently attended a gang conference in Ogden and was surprised to learn about the human trafficking going on. She has experienced some gang involvement with some of the kids she works with and it is pretty frightening. She lives in Farmington, but considers the Sunset kids her kids so is happy to help with the Red Ribbon Week. She showed the previous year's Fun Run t-shirt designed as always by one of the students and said everyone who participated in the Fun Run last year got one. She asked for a cash donation and participation from the Mayor, Council, Fire Department and Police Department. Council Member Furniss believes this donation is a very important one because it is an important event for the children of the community.

Council Member Furniss made a motion to donate the maximum allowed by policy, which is \$200.00. Council Member Peterson seconded the motion. The motion passed with Council Members Andrews, Furniss, Peterson, Snow and Carlson all voting yes.

- 3. Present awards to the summer beautiful home and property winners:** Mayor Bangerter read the names of the winners, handed them certificates and they were congratulated by the Mayor and Council. Winners: Division 1 - 1st Place - Carl & Ora Clayton, 829 N. 200 W.; Honorable Mentions - Jean Ridler, 291 W. 930 N. and Larry Smith, 262 W. 930 N. Division 2 - 1st Place - Leon Cooper, 2201 N. 300 W.; Honorable Mentions - Manuela Main, 2137 N. 450 W. and John H. Phelps, 2136 N. 400 W. Division 3 - 1st Place - Willie F. & Betty Moore, 411 W. 2450 N.; Honorable Mentions - Darrell Winn, 408 W. 2575 N. and Carolyn Hatley, 408 W. 2525 N.
- 4. Discuss the future of the skate park:** Council Member Snow said he was very disappointed in Mayor Bangerter for going to the press without knowing why he had this item put on the agenda. Saying he said there is drugs, sex, etc, going on at the skate park is a lie. That had nothing to do with what he was going to talk about tonight. At every opportunity Mayor Bangerter has decided to make Sunset look bad by going to the press. The whole reason for this being on the agenda is because it had been on Facebook as an issue. It was never going to be to get rid of the skate park. There have been many complaints that have gone unnoticed. He said Mayor Bangerter even told him once he had just witnessed a drug deal in the park. Mayor Bangerter said Council Member Snow didn't listen to exactly what he told him. When Council Member Snow put this item on the agenda he sent Council Member Snow a text asking what it was about. He never received a response. He asked Council Member Snow what problems were at the skate park and said he

mentioned drugs. Council Member Snow responded he has never seen drugs, but only smoking. He doesn't know why sex was mentioned in the article because he has never said anything nor seen anything like that. His concern is where the kids are really coming from; he doesn't know how many Sunset kids actually use the skate park. He would like to meet and talk with the kids and maybe require them to register with the City before skating at the park so they know who's playing there for free. Fencing may be a solution so when there are problems they can lock it up for a while, then reopen it. Another option is they could sell the equipment and install a bowery there. They could install cameras or take it down and install basketball hoops. Another option could be to move it to a different location where it's isolated or monitored better.

Mayor Bangerter said in 2007 he had two years worth of study into skate parks before he even broached the Council with the idea. A skate park can't be isolated or it will have a lot more drug problems. It needs to be where it can be seen and monitored. Clearfield does have a fence around it that skaters can hop, so that doesn't stop skaters from using it. What stops them from using it that the Police Department is right there and it is monitored by their own dispatch center 24/7. He is not opposed to cameras, but a locked fence doesn't go well with teenagers. He lives four houses away from the skate park and he saw skaters destroy property at Fremont Elementary, the LDS churches and Smith's. If they close the park, the kids will be back at those places. He is a little concerned about some of the comments made tonight. Seeing two girls kissing is not a skate park problem; it is a park and society problem if you choose to look at it that way. A person sitting in his car smoking while watching his son skateboard is not a skateboarder issue; it's an adult choosing to braid the park rule issue. He believes the police do an excellent job and he has spent a lot of time there. He said Joyce Hammer was very worried about the skate park going in, but she embraced it at the end and even took helmets over to the kids to help keep them safe. He doesn't believe all of the problems can be attributed to the skaters because before the skate park went in, there were police calls to the park.

Council Member Snow said they don't need to get rid of the park, but they need to do something to take care of the problems. Every morning it takes Public Works about 15 minutes to pick up all the trash. They had to chain the garbage cans down because the kids were tipping them over. Maybe they could put up a nice fence around the skate park. Maybe they have to close the park for a few days to get the kids to understand they have to follow the rules. Mayor Bangerter believes the key to solving most of the problems is education. If they had a skate park program, they could teach the kids the rules of the park, safety, etc. Those kids would grow with the park and become the teenagers who skate there. If they grew up with the rules they might be more inclined to follow them as teens. In studying the issue, he has used the Tony Hawk Foundation, which is a great source. They mention that education is key. He believes putting up a fence with a gate than can be locked is a waste of taxpayers money.

Council Member Peterson said he works for Washington Terrace City and they have no skate park. Garbage cans still have to be chained down or kids will throw them down the hill. They even throw the picnic tables down the hill. They have graffiti, etc. also. He has spent

some time at the park and he has seen some issues. There were people getting high in the restroom who were not affiliated with the skate park. He believes monitoring is the best solution.

Mayor Bangerter said he has gotten to know some of the kids and they're good to pick up trash when asked to. Bullying is a society issue, not a skater issue. Yes, the younger kids have to use the skate park when the older kids are not there. The older kids kind of know where the other skaters are going to be in relation to what kind of trick they are doing and can avoid skating into them, but a three-year old child on a scooter or walking through is going to cause issues.

Council Member Furniss sees the skate park as any other problem that arises in the City. He asked why it was placed on the agenda tonight. It is simply because there are problems coming from it. When he hears statements such as we can't do this or we can't do that then dialog stops. If they can't have an open mind they won't be able to solve the problems that have been brought up. They need to look into all the suggestions. He was against the skate park from the beginning, but it is here now. They don't necessarily have to get rid of it, but they have to fix the problems. He believes a video system is a great idea because it can go right into the Officers' laptops so they know when a problem is happening. He believes moving the skate park is too expensive. He wants the kids to have somewhere to go, but does not believe they have to tolerate the bad behavior. They have to come up with ideas so maybe they need to go visit other skate parks and listen to suggestions. The cat calls he heard directed at his daughter are unacceptable. No citizen has to put up with that from anyone. Maybe a citizen committee should be formed to brainstorm ideas. He is sure if they took a vote right now there would be three votes to close the skate park, but he does not want to do that. If the problems are not solved in a good way for all involved, it may happen.

Council Member Peterson said he would designate one hour a week to be at the skate park reaching out to people to see what can be done. He asked anyone desiring to help if they write their contact information down and give it to him.

Mayor Bangerter said he is not opposed to a fence, but the statistics and research done over a long period of time shows it is not the answer. John G. White Park was never intended to be just a skate park. When the skate park went in, there were plans to install a splash pad and a bowery/restroom as well. The tragedy to him is that the whole idea was never completed and maybe it can be one day. He doesn't want the skate park closed because it is a great asset to the City. At the Utah League of Cities and Towns conference they learned about the spread of childhood obesity and type II diabetes and the skate park is one way to keep the kids active. Skating takes a lot of hard work and concentration and it is as much of a sport as football, soccer and baseball. The good thing about skateboarding is you can do it on your own and practice as much as you want.

Council Member Furniss said there is a company out of Sacramento who will fly in and do a camera demonstration. He will set it up.

Council Member Snow agreed with Council Member Furniss in that they should not be close minded. It frustrates him that they come to a meeting to discuss issues and they never seem to come to a conclusion as to what to do. He asked what the Council wants to do next; look into the cameras, go on a field trip, meet with the kids or what. Council Member Carlson said Council Member Peterson already said he is going to reach out to people at the skate park and Council Member Furniss is going to look into cameras. He said that is a great start.

Mayor Bangerter likes the security cameras, but still believes education is key. Education means an actual skateboard lesson program. There are adults who were past skaters along with the promoter of the Fun Days Skate competition who have mentioned they would be willing to teach the classes. Just like any sport program, the kids would register at the City Office, they attend the classes and learn the basics of skateboarding, rules and what is allowed at the parks. Those kids then grow up to be role models for the skate park. Council Member Furniss said another thing is discipline. Just like time out for kids at home, they still need to close the park for a time whenever the rule-breaking gets out of hand. Mayor Bangerter hopes the problems will get solved because the kids using the skate park are good kids. They're not a lot different than we were when we were young.

Council Member Peterson said he put a paper outside the Council room door for people to sign up if they wish to help him monitor and talk to the kids at the skate park and he will contact them.

- 5. Council Member reports and general information:** Council Member Carlson thanked Council Member Snow and the Beautification Committee for their hard work going through the City selecting the winning homes. He thanked the skaters for attending. He is glad the Council is working together in trying to solve the problems at the skate park instead of getting rid of it. He appreciated the opportunity to attend the ULCT conference and hopes they can report on it at the next meeting.

Council Member Andrews thanked all the employees and citizens in Sunset. He is concerned with the skate park and believes they need to fix the problems and not just ignore them. He is thankful for his time on the City Council.

Council Member Furniss wished every meeting was this well attended and said it is good to have healthy discussion in addressing the City's problems. There has not been a Youth City Council meeting for the last two times due to family obligations and injuries. Three of the five Youth Council members were with him camping over Labor Day. Before they left, Council Member Furniss asked the other two members if they would be able to get the flags out, which he was assured they would, and when he and the other members got home they would pick them up. One of the members got kicked out of her house and the flags did not get delivered. He would like to have the City refund \$5.00 to those residents who paid for the program. Mayor Bangerter said when a circumstance comes up making it impossible for the Youth Council members to do deliver the flags, he would hope they could contact himself and the other Council members to help them out. Council Member Furniss said they would be delivering the refund checks in person and apologizing to the residents. The North Davis

Sewer District has held a public hearing on impact fees and the fee was only raised from \$3,000 to \$3,200. He thanked the Police for their ordinance enforcement efforts and said it shows. He reminded residents to keep the car doors locked and their valuables out of sight because while he attended a soccer game at Sunset Jr. High four cars were broken into. Police Chief Eborn said they also hit cars in cities going south and ended in Orem. He thanked the citizens for allowing him to attend the ULCT conference. One of the classes was on the epidemic of childhood obesity and that was weighing on his mind as they were discussing the skate park. The kids do need places to exercise and they need to keep them safe.

Council Member Snow thanked the Beautification Committee for going through town and picking the winning homes. In the past they have talked about getting rid of the Board of Adjustment, but while talking with David Church he learned they cannot be the appeal board of any issue they have the final decision over, such as business licenses, etc. He thanked all who attended the meeting tonight. He just wants to help make the City a better place. He does not allow his son to ride his bike near the skate park because it is not inviting. He wants the park to be a good place where the kids don't have to be bullied, yelled at or sworn at and where families want to go.

Council Member Peterson thanked the employees for all the hard work they do. He thanked the people who attended the meeting and liked hearing their comments. When he receives letters or emails from residents he would like them to give him their names because he doesn't pay much attention to the unsigned letters. He would like to see the Mayor and Council Members work on the issues on the agenda instead of the issues they have behind the scenes. He will report on the skate park at the next meeting.

Asst. Fire Chief Carter advised the Fire Department Open House will be held on September 28th from 10:00 a.m. to 1:00 p.m. They plan to have at least one of the medical helicopters there and they will be giving tours of the Fire Station.

Public Works Director Noyes has been putting together estimates for covering the salt pile and he may have under budgeted it a little bit. Their new one-ton truck with bed and plow should be arriving soon. He reminded everyone they will be taking tree limbs and garbage at the shop yard during the month of October. He will be losing his summer hire shortly so they will be short-handed through October while they are manning the gate. He advised the residents that the Mayor and City Council ultimately support the departments well and do what they feel is best for the City.

Police Chief Eborn addressed the issue brought up earlier by Mr. Kirk about the loud vehicles driving by. He has had several conversations with him. He put a memo out to the Officers to patrol the area more and he sat there himself to see what was happening and there have been several stops made by officers. He did tell Mr. Kirk he cannot have an Officer over there 24/7, so if he would write down a plate number he would be willing to mail a letter to the registered letter of the vehicle. At this time he has not received any plate numbers. As always, he will do what he can to curtail those types of problems. However, he believes he

could cite almost any car traveling down the road with their music on and the windows rolled down according to Sunset's ordinance. He does not believe that was the intent of the ordinance, which basically says if the music can be heard more than 30 feet away from its source and it bothers someone it can be a violation. However, that does not mean the prosecutor will think prosecuting that citation is in the best interest of justice. On the skate park issue, his understanding is when the walking track was built the original design had the walking track taking a different path so the walkers would not have to walk close to the skate park and it was altered. Maybe as money becomes available a section could be added so the walkers could avoid the skate park if they chose to do so.

Mayor Bangerter said there has been a request from Sunset Elementary for more crosswalk flags. Mr. & Mrs. Hammer have been instrumental in running the crossing flag program for years. The money for that program was donated by local businesses and there is still about \$460 left. The flags are about \$40 for 20 flags so the program will be funded for a long time and the kids seem to use them. He is disappointed that the skate park has been labeled as his "golden calf" and more so that his neighbors have not given their complaints to him because they know he would do everything in his power to tell those kids they can't keep doing what they are doing if it's causing problems. If he hears about the problems, he looks into them. The ULCT conference was very informative the day he was able to attend. It looks like there will be a huge change in Davis County with a lot of the Mayors not running for Office. He believes most of the Council's discussions are good. He spent most of his day doing research for what he thought might happen here tonight. The biggest problem with their Council is they don't discuss things anymore. When an item is put on the agenda, there is no information given so the rest of the Council knows what will be discussed. It's hard to go into a meeting when you don't have an idea of what is going to be discussed. He apologized if he has offended anyone. He plans to stay in Sunset the rest of his life because it's a good community where you can voice your opinions.

Council Member Snow reminded everyone that September 25th at 8:00 a.m. is Doxey Elementary School's Walk to School Day. Police Chief Eborn said he believes Sunset Elementary School's Walk to School Day is on Friday and he will email further information to the Mayor and Council.

Council Member Furniss made a motion to adjourn. Council Member Peterson seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:30 p.m.

Approved – October 1, 2013.

/s/Chad Bangerter, Mayor

/s/Susan R. Hale, Recorder