

**Sunset City Corporation
City Council Minutes
October 16, 2018
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Minutes of a regular meeting held October 16, 2018 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Madsen presiding.

REGULAR SESSION

Mayor and Council Present:

D. Howard Madsen	Mayor
Chad Bangerter	Council Member
Ricky Carlson	Council Member
Norm Noyes	Council Member
Nancy Greco Smalling	Council Member
Scott Wiggill	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief

Excused:

Jason Monroe	Public Works Director
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Others Present:

Jon Ellsworth	Planning Commission Chair
Mark Becraft	NDFD Chief
John Taylor	NDFD Deputy Chief
Beverly K. Macfarlane	Janet D. LuJan
Wanema Butcher	Laura Penman
Dawn Gilbert	

The regular session was called to order at 6:30 p.m. by Mayor Madsen.

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

Approval of Minutes: Council Member Noyes made a motion to approve the minutes of October 2, 2018 as amended. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

Public Comments: Beverly Macfarlane said she was told the Council had not approved anything for the Veteran's Memorial, but understood Council Member Smalling was going to proceed with something on a smaller scale. She was happy that the Council was doing something to support the Veterans of Sunset. She is very glad the old City Building is down because it was not up to code and should have been down years ago. She stated the North Davis Fire District did a wonderful job with the Fire Open House. She is a little concerned about what is going on with the petition, but she believes they will have a great Fire District. She really

appreciates NDFD and their service and she really likes Chief Becraft and Dep. Chief Taylor. She hopes one day there will be a sub-station in Sunset.

1. **Consider request from Spencer King, owner of V.K. Electric, to erect a 30 foot training tower in the southeast corner of his property located at 383 W. 1300 N.:** Mayor Madsen explained the Council has received an opinion from City Attorney King, that the height of their tower could be 20 feet or the height of their building, whichever is lower. Additional information was found in the Sunset Code that made an exception to height limit, which included towers. He believes the Planning Commission could amend their conditional use to allow the tower.

Council Member Bangerter agreed Mr. King would need to go back before the Planning Commission to review this use. He has talked with Chair Ellsworth, who said he saw no problems with the proposal, other than potential resident complaints of the height, etc. The problem he sees is the time it will take to go before the Planning Commission and then back to the City Council before Mr. King can begin construction of the tower and winter is approaching. He asked if the Council Members and Planning Chair, who is present today, could give Mr. King their approval to begin construction before going before them. Council Member Wiggill and Mayor Madsen didn't have any problem with that.

Planning Chair Ellsworth believes this is fine, but warned there is the risk of the Planning Commissioners finding an issue that requires Mr. King to stop construction. Mr. King stated he would like to get the foundation in before the ground freezes and is willing to take the risk.

Council Member Carlson mentioned a special Planning Commission meeting and special Council meeting could be called. It costs \$300 for a special meeting. After discussion Mr. King stated he would still be willing to take the risk.

Council Member Wiggill made a motion to allow Mr. King, the owner of VK Electric, to proceed with his project, with the considerations as they've discussed, to build a tower in the southeast corner of his property located at 383 W. 1300 N. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

It was explained Mr. King would need to submit engineered stamped plans and complete the building permit application. When the permit is issued he can begin.

2. **Presentation from Planning Commission on amending a land use ordinance:** Planning Chair Ellsworth explained there is a section in Title 9, Chapter 8 that states any new commercial development has to have a Georgian theme. The Commissioners would like to strike that paragraph because it was implemented in 2003 when the City Building was built to continue that building's look. They believe it is narrow, out of date and hasn't been followed. Another item was the landscaping paragraph. To keep with trying to conserve water, the Commissioners would like to change the allowable nonliving organic materials

from 50% to 80% of landscaped areas and remove the requirement for at least one tree. They would also like to move Chapter 8 from Title 9: Building Regulations to Title 10: Zoning Regulations.

The Mayor and Council Members did not have any objections to the suggestions.

Recorder Hale said she and Treasurer/Office Manager Youngdell discussed this and believe there are other things in the Zoning Code that need amending to coincide with the Chapter 9 being discussed. She asked if the Planning Commission could go through the entire Title 10. Chair Ellsworth agreed and said they would.

Council Member Bangerter made a motion to allow the Planning Commission to proceed with reviewing the land use ordinances. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

- 3. Consider Resolution 2018-20 approving the interlocal cooperation agreement between Sunset City and Clearfield City for 800 North Street from Main Street to 450 West Street:** Mayor Madsen explained there has been an agreement between Sunset and Clearfield on this project and this interlocal agreement will formalize it.

Council Member Noyes advised he was the one who initiated this project six years ago and this agreement shows that each city will pay half of the cost of the project not included in the grant.

Council Member Bangerter made a motion to approve Resolution 2018-20. Council Member Noyes seconded the motion. The motion passed unanimously with a roll call vote: Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes.

- 4. Review the results of the public meeting held on September 18, 2018 to gather input on the Sunset City Fire Department and discuss the possible annexation into the North Davis Fire District:** Mayor Madsen said he has talked to as many people as he can about this item and only one person was adamant about keeping the fire department and one person was in favor of it, but thought there should be a vote of the people. Right now, he and Council Member Wiggill sit on the NDFD Board as ex officio members, meaning they can discuss the items at the meetings, but they have no vote. He feels it is important to be able to vote in the Board meetings and he has received no negative comments about that.

Council Member Noyes asked Chief Becraft for his feelings and the pros and cons on keeping things as they are versus annexation. Chief Becraft stated he has had nothing but positive feedback from the public and Sunset Public Works, Police and Administration employees. It will be the same amount of money whether the City is annexed into the District or not. The Sunset Board Members presently don't have a vote and if the City is annexed in they would have a vote. He believes moving forward with the annexation would be a good

thing. The NDFD tax rate increased this year only for employee wages only because fire departments are losing firefighters, just like police departments are losing police officers. He believes the tax increase was about \$6 per year for a \$200,000 valued home. Council Member Noyes said he is not against annexing into the District, but because of how hot this issue was and the amount of heat the Council took last year, he would like to give this more time so the Council can distribute information to the residents so they are better informed before the Council just moves forward again.

Mayor Madsen advised he and Council Member Wiggill have been able to give their opinions on Board matters, but not being able to make a motion, second it or vote is not good. It was said earlier that maybe an independent party should have been hired to study the cost of Sunset having its own fire department. He gathered the information and then brought it to the Council. He used an actual newly constructed fire station to get the cost of a new fire station and received the figures for the equipment from vendors of the equipment. He feels he was elected as Mayor to resolve issues with the Fire Department. He cannot in good conscience cause the tax increase needed for Sunset to have its own fire department. He had a public meeting that was advertised on the marquee and utility bills and only 10 residents attended. He believes the time is right to proceed.

Council Member Bangerter stated there are some people who were adamantly against disbanding the fire department, have now seen the actual facts and changed their mind. He believes the information is out there and people realize this is the best way to go. The \$6 NDFD property tax increase is something Sunset could not have done on its own. Sunset was looking at a much, much higher tax increase to move forward. The Council has to make decisions best for the majority of Sunset's residents. For the first go around, they had 300 people attend the Council meeting opposing this, but that's 300 out of the 2,100 voters, or even the 700-800 active voters, is not the majority. He believes the Council should move forward.

In response to one of the resident's comment, Council Member Noyes asked Chief Becraft if ever foresees having a satellite fire station in Sunset. Chief Becraft said no because there is not a chief in this State that would build a \$2-3 million fire station to service 5,000 residents. Syracuse City built a \$4.5 million fire station to run 800 calls a year and their residents were very mad about it.

Council Member Wiggill said one of the main concerns of the residents was response times. He knows the answer, but asked Chief Becraft to respond for the record. Chief Becraft replied NFPA requires that the first arriving unit to arrive within 5 minutes and the NDFD average is under 5 minutes. Any additional units have to arrive within 8 minutes after that, which easily happens from wherever they come from. He used his experience when he worked for the Roy Fire Department and said the first out ambulance from Roy at 5000 South and 1900 West to 6000 South and the railroad tracks is the same as the ambulance from NDFD coming from Clearfield to Sunset. Also, the first out ambulance from there to the Halvern subdivision on 4000 South (which is near the Frontrunner Station) is the same distance. Mayor Madsen read the response time to the fire at Charlie's Service on Main

Street was 4 ½ minutes from time dispatched to arrival on scene. As another item, since NDFD began serving Sunset, every commercial business has had its fire inspection every year. It has been many years since that has happened.

5. **Consider Resolution 2018-21 declaring intent for Sunset City Corporation to petition the North Davis Fire District for annexation:** Mayor Madsen asked for any discussion on this item. There were none.

Council Member Carlson made a motion to approve Resolution 2018-21. Council Member Bangerter seconded the motion. The motion passed 4 to 1 with a roll call vote: Council Member Noyes – no, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Smalling – yes, Council Member Bangerter – yes.

6. **Consider the proposal from Landmark Dividend to purchase the Reagan Outdoor Advertising billboard lease from Sunset City:** Mayor Madsen stated the amount of money they would receive from the purchase versus the amount of money the City would lose from the lease payments does not make sense to him. It is not a good offer. The City would lose about \$500,000 in lease payments over 30 years and only receive \$185,000 for the purchase.

The Council discussed this and decided the City was not hurting for money at this time, so it would not benefit the City.

Council Member Noyes made a motion that the Council does not accept the offer from Landmark Dividend to purchase the billboard lease. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

7. **Mayor, Council and Department Head Reports:** Council Member Bangerter advised a representative from Clearfield City contacted him today. They are looking at doing a Wasatch Front Regional project working in coordination with five cities for trails and travel through the intersecting cities so they are all on the same plan and connect. The approximate cost for Sunset City would be \$2,000 to \$4,000. It looks like the other cities will be on board, with Clearfield being the representing city. If the Council likes the idea, they would like a letter of intent that they are on board. The whole project would be to interconnect a walking or biking trail and similar items through the cities. The Mayor and Council Members were interested.

Council Member Smalling reported the Veterans Day program is being planned. The date is not set yet because Veterans Day is on Sunday. They will be meeting this Thursday, so she's hoping to have it set then. The Youth City Council is designing their Christmas tree. The Mosquito Abatement trucks were going through Sunset a couple of weeks ago. They are looking at other areas to have their lab test as they can collect samples one night, the lab tests the next day and they can be out treating the positive pools by the next day. They are selling two of their trucks now.

Council Member Carlson said it was good to see the Mosquito Abatement lab come to fruition because they planned it for a long time when he was on the Board. He attended the water conference with the North Davis Sewer District and learned a lot. One of his goals was to find a vendor selling turbines they could use in place of the two V12 engines they're using. A turbine would be a lot less expensive to run, however the ones out there to generate power are way too big for their use. At the conference, competitions are held with a lot of the districts throughout the country. The NDSB team took third place. The District employees have been doing a lot of the construction instead of a contractor, which is saving a lot of money and they're doing a great job.

Council Member Wiggill advised the North Davis Fire District held open houses in each of the three cities they serve. He was unable to attend, but he has heard they did a very good job. He met with the Youth City Council last week. He may not have time to help with their Christmas tree, but he can help with funding.

Council Member Noyes stated for the record, he is all for annexing into the North Davis Fire Department. The timing is his only concern and he hopes everyone knows that. NDFD has given the City excellent service. A couple of weeks ago a Hooper City employee lost his life while serving that City. This serves to show, if employees aren't careful, things can go bad very quickly. There have also been more Officer involved shootings lately. He believes the Sunset employees don't receive enough recognition for putting their lives on the line. Not just Police and Fire, but every level because sometimes the wrong person can get mad and do something stupid. He appreciates them very much. He said he would like to arrange donating the Christmas tree for the Youth City Council. Council Member Smalling stated her family is going to donate the tree this year in her Mother's name.

Mayor Madsen advised he and the Department Heads discussed employee safety during their meeting today. He warned everyone to be careful because some things are so repetitious, people can become complacent and things can happen. They are thinking of some sort of incentive for those who have no workers comp claims.

Police Chief Eborn reported they are working with the schools in the City this week on lock down drills. They do two each year in every school. He has been notified that Sunset received 50% funding from the Department of Justice on those bullet proof vests they were allowed to purchase. They will receive \$2,700 in the City's bank soon.

Treasurer/Office Manager Youngdell stated she is currently working with Jason Waterson from the Utah Local Governments Trust because the renewal date for property, vehicles and workers comp is in December. The City has not had a workers comp or a vehicle claim for the last 11 months. Last year she was told the City needs to have their police policies professionally reviewed due to all the active duty shootings recently. They want to make sure the City and its employees are protected with policies that are up to date. There is a company that does that type of thing and they used to bill all cities the same, but now they bill based on a city's amount of police officers. Mayor Madsen and Chief Eborn gave her permission to call this company for pricing. If the City Attorney were to review the policies,

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it would cost a lot more because he doesn't just work on police policies and would have to do a lot of research. Chief Eborn stated he currently writes the policies and believes he's doing a pretty good job, but it would be a full time job to research case law and Supreme Court decisions. This company does all that. He believes he is the last Department in the County to write the policies. He tries to keep up on it, but believes he probably has stuff in there that is outdated. Treasurer/Office Manager Youngdell stated the City's insurance can only keep the City out of law suits based on strong policies, so they are strongly encouraging the City to do this. The City has been eligible to receive the TAP award in past years, but she is afraid they won't be eligible if the police policies are not reviewed soon. The TAP award grants the City a rebate and reduction in premiums.

Mayor Madsen advised there is money in the Public Works budget to do sidewalk repairs, but Public Works Director Monroe has been unable to get the company he's been using to get started on it, so he trying to find another contractor to do them. In reference to Mrs. Macfarlane's comment on the Veterans Memorial, they are looking at it. The funds required for the big one originally planned are not there, so they are looking at doing something smaller. He has a COG meeting tomorrow night. He appreciates the employees doing good work and the NDFD for their service.

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

The meeting adjourned at 7:50 p.m.

Approved – November 20, 2018

/s/D. Howard Madsen, Mayor

/s/Susan R. Hale, Recorder