

**Sunset City Corporation  
City Council Minutes  
October 21, 2014  
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Minutes of a regular meeting held October 21, 2014 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

**REGULAR SESSION**

**Mayor and Council Present:**

Beverly Macfarlane	Mayor
Chris Hadley	Council Member
Ryan Furniss	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

**City Employees Present:**

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Breen Lowman	Fire Chief
Norm Noyes	Public Works Director
Bruce Arbogast	Police Lieutenant

**Excused:**

Ken Eborn	Police Chief
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**Others Present:**

Stan Jorgenson	Horrocks Engineers	
Brett Slater	UDOT	
Scott Stevenson	Planning Chair	
Jason Gabbert	Planning Commissioner	
Jonathan Ellsworth	Planning Commissioner	
Sydney Furniss	Sunset Youth Mayor	
Samantha Park	Sunset Youth Council	
Teri Avondet	Sunset Citizen Corps	
Jerome Willden	Joyce Hammer	Nathan Hole
Robert & Jan Young	Nadean Gabbert	Shirley Griffiths
Gale Johnson	Ellen Cutler	Ray Chapman
Wanema Butcher	Joyce King	

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

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

**Approval of Minutes:** Council Member Peterson made a motion to approve the minutes of September 16, 2014 and September 25, 2014 as presented. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

**Approval of Vouchers:** Council Member Furniss made a motion to approve the voucher for Zions Bank in the amount of \$9,000.00. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

**Public Comments:** Jerome Willden complained about the bill he received for being transported to the hospital by the Sunset ambulance. He said the \$1,265 for the service of the ambulance is exorbitant and he does not agree with a lot of the other charges. The total works out to be \$253.00 a mile for transportation to the hospital. The billing company said his insurance company has only paid \$184.97 and when he contacted his insurance company they said they had paid nearly all of it. He cautioned the Council not to do business with the present billing office because his opinion is that they are fraudulent in a lot of things. When he asked his insurance company about it, they said this billing company was not on their list because they have done things not up to par. He advised the Council to research the companies before hiring them. According to his insurance, his co-pay is \$250, not \$1,540.93 like the billing company said. He would not take the Sunset ambulance again. When his wife had a heart attack he took her to the hospital and got there in time. When he was supposed to be having a heart attack, the ambulance didn't have their siren on and told him he was alright. If he was alright, he asked why they transported him.

Sunset City Youth Mayor Sidney Furniss asked if the Mayor and any Council Members planned to attend their "Rake Up Day" on Saturday from 9 am to 11 am. Council Member Peterson and Council Member Snow said they would not be able to be there. Mayor Macfarlane and Council Member Peay said they would be there. Council Member Hadley said he planned to be there.

1. **1800 North EIS Study update:** Stan Jorgenson, of Horrocks Engineers, has drafted the EIS of the 1800 North Corridor for UDOT. He introduced Brett Slater, the UDOT Project Manager for this project. Mr. Jorgenson said the 1800 North project consists of building a bridge over the railroad crossing, widening the street to increase capacity and building an I-15 interchange. Right now they are proposing that 1800 North be widened to 5 lanes with 2 travel lanes in each direction and a center turning lane. They recommend placing raised median in the middle in the busier intersections to protect left turn movements, but most of it could be open. The cities will be able to give input as to how the medians will be. This project started out when Sunset and Clinton began working together to seek funding to build a bridge over the railroad tracks. As UDOT got involved, they decided to look at the needs of the whole corridor and an I-15 interchange. They looked at a lot of options before deciding on the top three. Several homes on the south side will need to be acquired by UDOT to do the project because the plan is to widen the street to the south. The homes on the north side will stay as is. The City public works shop on the north side and fire station to the south will be impacted.

Brett Slater reminded the Council that in replacing the fire station UDOT's policy is to 'replace in kind' which would be the cost of rebuilding the station to the specs of the existing structure. The City would be responsible for any cost to build the station larger.

Mr. Jorgenson continued stating a lot of I-15 interchange options were reviewed with three still on the table. The three remaining options were discussed with the third option being the only one that avoids impacting the Army Rail Shop and it would be the only option available if the rail shop remains in place. The draft EIS is available for review and there is typically a 45 day review period to begin when Federal Highways advertises it in the Federal register. There will be a public hearing in the Sunset Room on November 19<sup>th</sup>. After that any comments would be addressed and the final EIS will be prepared. The Federal Highway Administration would then prepare a Record of Decision, which is the final document as to whether or not the project will happen. They expect the Record of Decision will not be done for about six to eight months. Currently there is not any funding identified to build any portion of the project.

Mr. Slater said when the EIS is completed it starts a clock and phases such as design, right of way, structure design, etc. will begin until the full is approved.

When asked, Mr. Jorgenson clarified the homes on the north side between Main Street and 300 West would not be affected. Mayor Macfarlane asked when they expect the homes on the south side will begin to be acquired. Mr. Slater replied they are not actively pursuing purchasing the homes yet, so he recommended the owners to keep living their lives and improving their homes. They will all be contacted and invited to the public hearing where they will have someone who can explain the process to them.

Council Member Furniss said they had originally asked for an access road under the overpass for the public works area. Mr. Slater stated the problem with that would be all the heavy trucks would be continually going through the neighborhood streets. The frontage road they are suggesting along the north side of 1800 North from the shop yard to about 300 West would avoid that. The shop would have to be relocated farther back in the yard.

Council Member Hadley asked when they should start planning for relocation of the fire station. Mr. Slater recommended they start making plans now. Council Member Furniss asked why the term "7-11 leaking underground storage tank" was on the plan and wondered how the access to the Jr. High would be handled. Mr. Sorenson replied any hazardous materials items have to be listed in the EIS for review and the access to the Jr. High off of 1800 North would remain the same.

Planning Chair Scott Stevenson asked if the public works building would also fall under the "replace in kind" policy because the general plan outlines an option for a combined fire station/public works building. Mr. Slater replied the City could choose to have the buildings replaced in kind or UDOT could just purchase the property outright and the City could do with the money what they wanted. When Chair Stevenson asked if the City could negotiate a 12 foot lane for a bike trail along 1800 North, Mr. Slater advised they would be able to review that in their design phase. Commissioner Jonathan Ellsworth asked how much, if any, interaction with the Planning Commissions there would be. Mr. Slater replied they would like quite a bit because they would like the buy in of the City.

When asked how much of the ground near the fire station would be acquired because the Jr. High students use some of it, Mr. Slater replied some of the park will be taken. Mr. Jorgenson said they would be acquiring a couple of the homes just west of the park abutting 1800 North and maybe the leftover land could be used for park area. When asked how far south of 1800 North UDOT would be acquiring properties, it was answered just one property deep. Some other items brought up were replacing the dead ends shown in the map with cul-de-sacs and if there could be a crossing bridge over 1800 North at 250 West. They will review, and could add, cul-de-sacs during the design stage and the intersection of 250 West 1800 North will be signalized so there will be no bridge. They welcomed everyone to the Public Hearing and make comments on the document.

2. **Presentation of Sunset City General Plan overlay maps:** Planning Chair Stevenson showed the overlays on the television using Google Earth as he explained the layers. They brought in every element of the General Plan so their recommendations could be seen visually. This is not all inclusive as the Mayor and Council need to tell them what they would like included, but it does include what is in the current General Plan and what they are proposing in the next draft. The first layer is zoning and by doing that visual, they have found the commercial zone along 1800 North near the railroad tracks will not be viable when the overpass is built. The second layer is the recreational paths and trails. There are two walking paths at present; one at South Park and one at North Park. They considered a bike path beginning from the south along Main Street to 1800 North, turn west and continue down to the Rio Grand trail head at 1000 West in Clinton. There is also a walking path they are calling the Sunset Loop. It is almost 5 miles in length and they believe it can just be marked with signs. This path could also contribute to the walkable community they envision. The third layer is for capital improvements identified in the General plan and it contains links explaining each project. The fourth layer is for the identified roadway improvements on 800 North, 1300 North and 2300 North. The fifth layer includes the renovation of parks. The sixth is they still need to add ADA ramps to the General Plan and the last one is the street lighting they would like to see done as the east west corridors are being worked on. They chose Main Street and 250 West to be the City's north south corridors. It also has a link to Rocky Mountain Power so they can see what the lighting looks like. The Commissioners have talked about addressing the Weber Davis Canal, but it is not in the General Plan yet. The overlays also allow them to see what is desired, so when funding becomes available maybe they can piggyback some items onto the bigger projects. They would like input from the Mayor and Council as to what they would like to see on the 2040 horizon. They are no longer looking at 2020 because it's too close and the funds would not be available.

When asked what the Planning Commission envisions for the fire station and public works building, Chair Stevenson said they recommended building a shared facility for the public works and fire departments when they presented the General Plan a couple of years ago. They liked the option of placing it on the parcel next to City Hall because not only would the location be co-utilized, it would help with the under-utilization of the City Hall basement by placing the offices there. It also makes the area have a large City Center type feel.

The Planning Commissioners were recognized and thanked for their hard work. When asked, Chair Stevenson explained they would be developing lighting standards and also architectural and landscape guidelines. They will draft them as an appendix to the General Plan.

- 3. Consider amending Sunset City Ordinance 1-7C-2: Legal Advisor:** Council Member Furniss stated he would like to table this item because he has had a death in the family and has not been able to prepare for this as he had hoped.

Council Member Furniss made a motion to table this item. Council Member Peterson commented they should talk with other people before they actually go to the City Attorney because their item may have already been discussed and his opinion rendered. Mayor Macfarlane appreciated that comment. In the last month there have been five or six additional charges from the Attorney that were not needed because they could have been answered internally. That is why she believes it is fiscally good that there be a central person to discuss an item with before the Attorney's advice is requested.

Council Member Furniss said Mayor Macfarlane ignored his motion to table this item so he'll talk about it now. He said it works both ways. He has been on the Council for seven years and there are issues that have been addressed that the present Mayor is not aware of. Mayor Macfarlane has the right to speak with the City Attorney just as the Council Members have the right. When the ordinance was drafted, it was a gentleman's agreement to work both ways. Mayor Macfarlane has contacted the Attorney without speaking to the Council Members and they have to find out about it later. Mayor Macfarlane replied she has been in a dilemma because she has discussed some personnel issues with the Attorney that she feels should be private, but if the Council wants her to address them here she will. She believes the Council should talk with the Mayor about an issue before going to the Attorney so if the issue has already been addressed, it will save the City money by not having the Attorney answer the same question twice.

Council Member Snow said the issue the Council was worried about was that maybe a Mayor would not allow a Council Member to contact the Attorney, so the word used was "consult". That meant just to inform the Mayor so the Mayor was in the loop; it was not to ask for permission. Mayor Macfarlane said she just didn't want the Attorney to bill the City for a question that had already been asked. She believes some people's privacy is important on some issues and feels she should safeguard that if she can, which is what happened last month. When she talked with Council Member Snow, he indicated that it doesn't matter and it should all be brought forth regardless, so if that is what the Council wants, she will do that. Council Member Furniss said when the Mayor sends a text to a Council Member saying she can't speak to him because the Attorney says, suspicion is aroused and he went to the Attorney himself and got a different story in that the Mayor can inform the Council about any matter she feels she needs to. There is money budgeted for legal counsel each year and they have never gone over since he's been in office so he wondered why it was an issue. Mayor Macfarlane replied as of that day, they have spent \$898.00 and they have until next July to make the budget last. She feels they may go over budget due to the number of duplicate

questions. Council Member Furniss believed Mayor Macfarlane withheld information that caused the duplications. If she would have approached them as a legislative body with the answers they asked for, they wouldn't have had to call. Mayor Macfarlane said there has been a grievance in the City. Council Member Furniss said she was breaking City Policy; to which Mayor Macfarlane replied that is what she didn't want to do and why she did not tell the Council Members what she was talking to the Attorney about. Council Member Snow said they could go into a closed meeting and when Mayor Macfarlane asked Council Member Furniss if that is what he wanted to do, Council Member Furniss replied no, what he wanted to do was table this item, but Mayor Macfarlane didn't call for a second. Instead, she took the opportunity to make her point so he did the same.

Council Member Furniss said if legal action is taken against the City it is taken against all of them, so his intent was just to make it known it works both ways. He will present the recommendation posted in their packets at the next meeting and they can vote on it. Mayor Macfarlane asked the Council to remember this discussion while they consider the issue because she may not be here for the next meeting.

A second was never called for to table this item and Council Member Furniss withdrew his motion at the end of the Council meeting.

- 4. Mayor and Council reports:** Council Member Furniss (on the North Davis Sewer Board, over Property Management, Transportation & Youth City Council) reported the Youth Council is still holding their "Rake Day" on the 25<sup>th</sup>. Youth Council Advisor Peggy Stevenson is service oriented and is working hard to get the Youth doing service projects. He took Mayor Macfarlane and three Council Members to the North Davis Sewer Plant last Tuesday night for a tour. He showed some pictures and explained some of the work the employees had done. The Board knows the North Sewer District will need to update the 1800 North line for the future capacity of Falcon Hill, who will help pay for it. He is thankful for the 1800 North update. The neighbors on his street would rather have a cul-de-sac. He advised he likes the lighting on 2000 West in Syracuse. He did not have anything to report on transportation. He asked Mayor Macfarlane to report on Court and COG when she does her reports. He is trying to find the Youth Council by-laws, but believes a former Youth Mayor may have taken them with her because they are not in the binder that is passed to the next Youth Mayor. Council Member Snow said he may have a copy of the update that took place a couple years ago. Treasurer/Office Manager Youngdell advised the Youth Council Advisor had asked her for the by-laws and she provided her with a copy of the 2004 by-laws, which was the last copy Administration received. She also told Advisor Stevenson she knew they had been revised but the office did not have a copy. Council Member Furniss stated the Council has been talking about trading water from the City well for water from Weber Basin Water. Weber Basin will update the well head and utilize the water from the well. For the City, it is cheaper to purchase water from Weber Basin than to update the well. He advised he is not in favor at all of selling South Park to Sierra RV. Green space is prime property and needs to be kept for future generations. Mayor Macfarlane concurred with the green space issue, however if they are thinking about revenue it may benefit Sunset. She asked the Council for their opinions on keeping the park for green space or selling it for the

revenue. Council Member Peterson is not for selling it, but is willing to look at all options. Council Member Snow said he is for looking at all options like a land swap or something to keep some green space and give Sierra RV more room. Council Member Hadley said he is mostly against selling the park to a commercial entity. Council Member Peay stated she has talked to some other cities' Council Members and they are fighting for green space so she does not want to give away any green space, especially with the widening of 1800 North and the green space that will take away from the City. Mayor Macfarlane said there are three Council Members who do not want to sell the park so this item does not need to be on the agenda.

Council Member Hadley (over Citizens Corp, Emergency Preparedness & Fire) asked to be excused at this time due to a family emergency.

Council Member Peterson (Planning Commission Liaison & over Public Works) asked the Council to provide the Planning Commission with any input they want included in the General Plan because they would like to get the Plan in place before the 1800 North project gets going. The Planning Commission is still looking for three alternate Commissioners. He thanked the employees and all the residents who attended the meeting.

Council Member Snow (over Beautification, Better Landlord Program, Donations, Housing, on the Development Review Committee (DRC) for MIDA & the Mosquito Abatement District Board) stated he has reviewed the well agreement and does not have any concerns. He is very concerned with the sidewalks along Main Street. They are run down and need to be addressed during the budget sessions to help beautify the City and for safety. Lighting needs to be addressed also. He attended a meeting with Zions and they should be sending out the draft study to each of the Council Members for their input. There is nothing new to report on Mosquito Abatement, DRC or donations. Mayor Macfarlane asked the Council Members to review the Zions document and return it with their opinions as soon as possible so they can finish it. Planning Chair Stevenson said they would like the Council to not only point out things they believe are wrong, but to tell them why it is. Council Member Furniss believes it is crazy that Council Member Peay, who is over Economic Development, was not invited to the meeting. Treasurer/Office Manager Youngdell explained Council Member Peay is not on the Steering Committee and Zions only wanted to meet with a few of the Steering Committee members and Council Member Snow is on the Committee because he was involved with Better Cities in getting the grant for the project.

Council Member Peay (over Economic Development, Recreation & Senior Program) said they are still doing a celebration on Veterans Day, November 11<sup>th</sup>. He asked Council Member Snow if he could get her any information on people who may donate prizes for the contest they are holding. Mayor Macfarlane will email contact information for Council Member Peay to get a military presence there. Michael Love is still helping her plan the celebration. The employee dinner is scheduled for the Thursday at 6:00 pm, but only about 20 people have responded so far. If they are not getting support for this, she does not see the reason for it. This is the second date chosen and they're just not getting the support. She has put a lot of work into this, so in the future it is not something she will pursue. Maybe there is

some other way the Council can show their appreciation for the employees. She mentioned the owner of Sunset Square should be thanked because he is working hard to get his property looking nice. She does not have anything to add to the well agreement.

Treasurer/Office Manager Youngdell explained the City has never sponsored an employee Christmas party. It has been held in the past by the Employees Association if there is enough money left in the fund at the end of the year. This year Joe Maylin, this year's President of the Association, has asked if the City could become involved in the City Christmas party. Mayor Macfarlane said the City could do a party or maybe give the employees a gift from the City in its place. Council Member Furniss believes the party should be funded by the City and take the Association right out of it because employees shouldn't pay for their own dinners. The other Council Members agreed.

Mayor Macfarlane (over Administration, Court, Military Affairs Committee, Police & on the Wasatch Integrated Systems Board) attended a Davis County Gala Event at the Conference Center for the Foster Care Foundation on October 9<sup>th</sup>. She attended the sewer plant tour on the 14<sup>th</sup>. On the 15<sup>th</sup>, she attended the Council of Governments (COG) meeting where they had a legislative update. She attended the Fire Department Open House on the 16<sup>th</sup> and it was really good. She also attended the Planning Commission meeting that night and there was a proposal for a 77 unit townhome subdivision. Court Clerk Arbogast will attend training next week and there have been a lot of code violations going through the court. A part-time Court Clerk has been hired. Her name is Jana and she will also be helping in Administration. She has spoken with UTA on the safety of the Front Runner tracks because homes are not as close to the tracks in other cities. She received a message from the safety inspector and there was a crew down there looking at the tracks today. On the Crossing Guard for Sunset Elementary, a community partner has come forward and said they fund it. It would be \$207 for one hour per day for 23 days. The City would also have to pay for workers comp so the total estimated cost would be \$227.19. She asked if they want to do it, if they want to work with the community partner and if they want to do it for two to three months or for the year. The training would be done through UDOT and Sunset would pick the candidate. If they do it for Sunset Elementary, she asked if they would also do it for the other two Elementary schools. Also, if they started this the City would have to continue the program when the community partner stopped paying. She asked for the Council's input. Council Member Furniss said they do not have it in the budget so he does not believe they are in the position to answer that right now, but he would like to discuss it when they go into the budget sessions. Council Member Peterson would like to look into it now, but they should do it for all the elementary schools. Council Member Snow believes they need to find out more about the community partner and what their commitment would be, so he would like to wait for the budget sessions. Council Member Peay said it's awesome a community member came forward, but agrees with Council Member Snow that they need to find out what their commitment level is. If they only agree on a month to month basis, she questions their commitment. Her other concern is providing a crossing guard for the other two schools. Mayor Macfarlane said it appears they will wait until budget time to address it, so she will inform the school. Mayor Macfarlane mentioned there is a big push for tourism in Davis County and they have hired a new tourism person, Randy Cook. They are trying to do a Tour of Utah, which has been done in Moab, Park City and Eden. They are thinking maybe a

biking tour that will go down through Antelope Island and through Davis County. She stated she appreciated the Council discussion and will try to be more open with communication. She asked them to bear with her as she learns more about being a Mayor.

- 5. Department reports:** Public Works Director Noyes reported the asphalt is finally in on the 300 West project. The sidewalks will be done this week and the landscaping will follow shortly after that. The Senior Christmas Luncheon is on December 3<sup>rd</sup> at noon in the Sunset Room. There is a copy of the 1800 North EIS in Recorder Hale's office if anyone would like to review it. The Jr. High entrance in question will be shifted to the west where a house is located now. The Public Works access will run on along the north side of 1800 North. He proposed maybe the City could purchase one of the three homes in the cul-de-sac if one becomes available. That way it would give the shop area access from 400 West and it would give the LDS Church access as well. With that said, maybe they could talk with the Church about paying half of the purchase. If it is owned prior to the beginning of the project, maybe UDOT would help them build the access. Council Member Peterson wanted to make sure everyone was aware of the proposed for a 77 unit development at approximately 475 W. 2575 N. Mayor Macfarlane said she would like to see the total infrastructure installed before building the townhomes. It was clarified that the sanitary sewer runs to Roy City because Sunset's is too shallow there. The owner will have to deal with Roy City on that portion of the infrastructure. It will be a Home Owners Association, so they will take care of their own landscaping and snow removal.

Fire Chief Lowman reported the Fire Department open house had a great turn out with about 250 people and he thanked Mayor Macfarlane and Council Member Peay for attending. There were a lot of things going on with the helicopter, an earthquake trailer, etc. They have done all the elementary school assemblies for Fire Prevention Week. Mayor Macfarlane asked him to cover fire safety in this building. If there were a fire in this building, there are a few ways out of the Council Chambers. The first way is the west door leading to the police station down the stairs and out to the sally port. If that way is blocked, there is the main entrance/exit door and, if that way is blocked, they would exit out of the Sunset Room door to the east. Fire extinguishers are in the building, but his rule of thumb is if the fire is bigger than a garbage can, get out and let the firefighters handle it for them. When out, go to the sidewalk on the address side of the building, so in this case it would be the south side. He reported Sunset Square has done a lot of items to get their building up to fire code, along with a lot of other businesses. The Fire Department just received the \$6,222 State EMS Grant he applied for. \$450 of the grant requires a matching \$450 and is to be specifically used for a computer that is needed in the ambulance. With Sunset being an intermediate agency, there are certain requirements for training and the rest of the grant will pay for that. When asked about Mr. Willden's complaint during public comment, Chief Lowman said he has talked with Mr. Willden twice about his concerns. He tried to explain to him that Gold Cross is the billing service for the ambulance and they have been very good. This is the first complaint he has received about their service. The State and Federal governments determine what is charged for ambulance service; Sunset does not get to determine the charge. Mr. Willden is a Medicare/Medicaid patient and those patients are only charged a certain amount. He is only responsible for the co-pay. There were also paramedics used on that call so there

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is a different charge for that. They tell everyone, if they have any doubts not to self transport because they could cause a larger issue with an accident. He also explained to him they rarely go lights and sirens to the hospital because there are paramedics and advanced life support on board. If the patient is stabilized, they don't go lights and sirens because that puts the patient, crew and other lives at risk. Chief Lowman even obtained Mr. Willden's insurance information from him and gave it to the billing company because there were some things missing. Council Member Snow said his kids went to the Fire Department open house, they had a great time and talked a lot about all they saw.

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

The meeting adjourned at 9:35 p.m.

Approved – December 2, 2014

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder