

**Sunset City Corporation
City Council Minutes
November 3, 2010
Page 1 of 6**

Minutes of a regular meeting held November 3, 2010 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

Mayor and Council Present:

Chad Bangerter	Mayor
Brent Andrews	Council Member
Cheyrl Budge	Council Member
Ricky Carlson	Council Member
Ray Chapman	Council Member
Ryan Furniss	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Mickey Hennessee	Public Works Director

Others Present:

Jared Jensen	Sierra R.V.
Terry Avondet	

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

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

Approval of Minutes: Council Member Budge made a motion to approve the minutes of October 19, 2010 as written. Council Member Chapman seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Chapman made a motion to approve the voucher for Court's Carpet in the amount of \$5,950. Council Member Andrews seconded the motion. The motion passed unanimously.

Citizen Comments: There were none.

Council Member Chapman made a motion to go into a Public Hearing. Council Member Andrews seconded the motion. The motion passed unanimously.

PUBLIC HEARING

1. **Accept public input on the proposed sale of two City-owned properties located at 34 West 1600 North (Davis County Land Serial #13-080-0068) and 1648 North 75 West (Davis County Land Serial #13-080-0039):** Mayor Bangerter explained this item is to solicit input from the residents of Sunset. There were no comments.

Council Member Budge made a motion to return to the regular session. Council Member Furniss seconded the motion. The motion passed unanimously.

REGULAR SESSION

- 2. Business proposal from Sierra R.V.:** Jared Jensen said they have sold some property in Ogden and, once the money is funded, he can either improve Sierra R.V. or build another Sierra R.V. or another business somewhere else. If he improves Sierra R.V. he will have to pay capital gains taxes, but if he puts it toward another business he will not have to pay the taxes. He does not desire to move out of Sunset, but when they moved into Sunset they were promised by multiple City Council Members that the canal would be covered. Before he can expand, the canal has to be covered. The reason he has not had more growth this year is because he was out of product to sell in May through August. He has one year to decide what to do with the profit from the sale of the property in Ogden and even less according to Ivan Ray because the money the Davis Weber Canal has been allocated has to be returned to the government if it is not utilized by April 15th when the canal begins operating again. His Real Estate Agent spoke with the owner of the pawn shop and he is somewhat open to negotiations, but the owner of the Hi Hat building said he would not sell the building under any circumstances. Mr. Jensen believes that building is not going anywhere unless the City can show that it needs to be condemned. The only other option is to do some sort of land swap with American Stone and slant the proposed entrance road through their property.

Council Member Furniss asked Mr. Jensen why he rents out the land on the south side when they could pave it and put RVs on it. Mr. Jensen replied he does not know how to work that with his salesmen with the roadway in between the two parcels. He believes the only way to work that property is if he moves the roadway to the south side.

Mayor Bangerter told Mr. Jensen the promises from Council Members he referred to must have been made off the record because there is nothing in the minutes detailing those promises. That is why he wanted Mr. Jensen to come before the Council now. They have property to develop and he believes if the City can help, the Council needs to look into it. When Sierra R.V. came into Sunset, the City deeded them the City property along Main Street and installed some sewer lines for them. The biggest battle is covering the canal, so he asked Council Member Chapman to talk with the Canal Company.

Council Member Chapman said he has talked to Ivan Ray from the Canal Company. Mr. Ray told him they had \$7.3 million to make improvements by the Canyon and they had talked about doing the same along the Sierra R.V. property, but when he talked to Bureau and the State and it was determined there are two critical areas of the canal that needs to be repaired. One is just north of the reservoir near the apartments because there is water seeping out of the canal into homes. The other is from 300 North to 200 South in Clearfield. That is going to take the rest of the money they were hoping to help Sierra R.V. with. There is about 1,000 feet along the Sierra R.V. property that needs to be covered. Right now the cost of covering it with a box liner is \$600 to \$700 per lineal foot, so it would be about \$700,000 to cover that portion. The canal company can't do anything to help this year, but Council Member Chapman and Mr. Jensen are on the agenda to go before the Board on November

17th at 9:00 a.m. to present them with the proposal and see what they can do with next year's funds.

Mayor Bangerter said he has talked to Davis County looking for County money to help them. He has a meeting with Kent Sulser, Davis County Community and Economic Development Director, next week to talk about this issue. Realistically, a year is not a lot of time.

Mr. Jensen advised he can retire at 33 with all the other buildings and investments he has and does not really need Sierra R.V., but he is not really interested in leaving Sunset. He has to have a commitment of some kind if he is going to allocate his money to improving Sierra R.V. Council Member Furniss said the City is strapped right now and has no capital to give them, so he asked what type of commitment Mr. Jensen expects from them. Mr. Jensen said the real money is in motor homes, but he can sell a motor home and replace it with one just like it the next day so there is no need to sit on inventory. To really make the business grow, he would like to build a facility with a nice indoor show room strictly for motor homes. But he can only do this if he can purchase the pawn shop and if something can be done with the Hi Hat building.

Mayor Bangerter asked Council Member Chapman to continue working with the Canal Company and he will continue to work with Davis County and the State to see what can be done to help Sierra R.V. He asked if Mr. Jensen would be willing to purchase the property if the Hi Hat building became available for sale. Mr. Jensen said he would if it was at fair market value. Mayor Bangerter said eminent domain is very hard to accomplish with a viable and established business, but he will continue to explore all avenues. He asked Mr. Jensen to contact UDOT and review their regulations for ingress/egress onto Main Street because they would hate to put all this work into his proposal and find out later that UDOT won't allow the access Sierra R.V. is requesting.

3. **Ordinance 2010-09 amending Title 9, Chapter 6 regarding political signs:** The Council discussed the amendments presented. The amendments they decided to add to the original ordinance were as follows:

9-6-1:

A. Scope: Regulation of the location, size, placement and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the city of Sunset without difficulty and confusion, to encourage the general attractiveness of the community, to protect property values therein, **[to preserve freedom of speech]** and to promote and protect the public health, safety, comfort, morals and convenience.

B. Interpretation: In interpreting and applying the provisions of this chapter, the requirements contained herein are declared to be the minimum requirements for the purpose set forth **[and nothing in this chapter shall prevent anyone from engaging in noncommercial speech as guaranteed by the first amendment to the United States constitution or the Utah State constitution]**.

9-6-2: DEFINITIONS:

ABANDONED SIGN: A sign ~~which no longer identifies or advertises~~ **[which has discontinued to identify or advertise]** a bona fide business, lessor, service, owner, product, or activity, ~~and/or for which no legal owner can be found~~ **[for a period of one hundred**

twenty (120) consecutive days or a temporary sign that remains more than two (2) days after expiration of its specified time limit.

Council Member Furniss made a motion to approve Ordinance 2010-09 amending Title 9, Chapter 6 regarding political signs with the aforementioned amendments. Council Member Budge seconded the motion. The motion passed unanimously with a roll call vote. Council Member Furniss – aye, Council Member Chapman – aye, Council Member Budge – aye, Council Member Carlson – aye and Council Member Andrews – aye.

- 4. Council Member Reports and General Information:** Council Member Andrews said he has gotten another member to be on his miniature golf committee. He asked Public Works Director Hennessee if he has looked into Sunset becoming a “Tree City”. Public Works Director Hennessee replied he has and the process is quite involved. He has already received several grants from the organization so he saw no need to go further and the City is too small to supply the required staff.

Council Member Carlson encouraged Mayor Bangerter to continue to be involved with the West Davis Corridor issue and stated his appreciation for him attending the Falcon Hill groundbreaking ceremony.

Council Member Budge asked if Canine Connection is still open because the “open” sign is on sometimes. It was answered that she is not in business, but she sometimes goes into the building. They think maybe the sign comes on when she turns on the light. Council Member Budge advised the Citizen Corps would like to have quarterly work meetings with the City Council so they are aware of what the Corps is doing and so they are all working together. Fire Chief Coker stated he has been in contact with Dustin Lewis who spoke at the Utah Association Managements Association meeting a couple months ago. He will come here November 16th during a Council work session to explain the Mayor and Council’s responsibilities during a disaster. He will probably also discuss the necessity for the NIMS training. This could be the first quarterly Citizen Corps work meeting. The Council agreed to meet with the Citizen Corps on a quarterly basis. Council Member Budge stated the next CERT classes will begin on February 19th.

Council Member Chapman clarified his discussion with Ivan Ray of the Davis Weber Canal Company on covering the canal. Jared Jensen thought the Canal Company had the money to help cover the canal now, but the money is being used for more critical areas. Right now is still a good time to do it, because the cost is a lot cheaper than it has been. He asked to attend the Board meeting so he could hear what was told to Mr. Jensen.

Council Member Furniss thanked Mayor Bangerter for attending the Falcon Hill groundbreaking ceremony. He reported he, Mayor Bangerter and Public Works Director Hennessee met with Infinity Consultants, the engineering arm for MIDA, on the possibility of providing water to Falcon Hill. They learned what their criteria is and that Sunset may be able to provide it in phase 2 or 3. They are finding that Falcon Hill is becoming its own little city and providing their own services, which is not what the surrounding municipalities were led to believe in the beginning. Recorder Hale will be typing up the notes from the meeting

Sunset City Corporation
City Council Minutes
November 3, 2010
Page 5 of 6

and emailing them to the Council so they will know what all was discussed. He mentioned the Council's frustration at Sunset not being included in the presentation schedule by the West Davis Corridor Team. Mayor Bangerter sent an email to them asking about it and hopes it is just an oversight. Public Works Director Hennessee said within a month there will be an open house in the Sunset Room concerning the 1800 North Environmental Impact Study (EIS). During the open house they will have an area set up for the West Davis Corridor EIS. Sunset was invited to participate in the West Corridor EIS, but it was decided to focus more on the 1800 North EIS. Council Member Furniss asked that the West Davis Corridor EIS ad be submitted and placed in the minutes. Council Member Furniss said on November 16th an engineering firm will come before the Council to explain the worth of the City well, water rights and what steps can be taken to make it more usable. He will have them email Recorder Hale with the information to put in the agenda packets.

Treasurer/Office Manager Youngdell said Johnathan Ward, from Zions Bank has agreed to come before the Council to advise them on bonds and he would like to do it in a work session. The Council decided they would like to schedule it for December 7, 2010 at the beginning of the meeting.

Public Works Director Hennessee stated he has asked the 1800 North EIS team to update the Council at their meetings so the Council can pass the information to the residents. He said the Public Works Department's position is to maintain their access onto 1800 North, which would mean extending the bridge to the east so they could have access under it to 475 West. He has drawn up a plan showing the shop buildings being maintained on the property. Mayor Bangerter asked him to bring the preliminary plans he received on the bridge to the Council's next work meeting on the issue.

Police Chief Eborn advised the prescription drop off box has been delivered and is in the alcove by the pop machine. He would like to make sure the Mayor and Council like the location before they actually anchor it down.

Mayor Bangerter reported on Wasatch Integrated Systems. They have been pushing green recycling for a while now. One thing to keep in mind is that grass clippings cannot be burned in the incinerator, so it goes to the landfill and grass does not decompose. They have a recycling area where people can dispose of all their recyclables, but they are now talking about installing recycling bins on a trailer system in Clinton and would like Sunset residents to also use it. The burn plant facility was built in 1985 and its life expectancy was only supposed to be about 15 years. It has now survived an extra 10 years and they believe it will last another 20 due to good management and maintenance. They believe the landfill will reach capacity in 25 years. They also have a reuse shed where you can get paint, thinner, pesticides and other chemicals people have dropped off. He was honored to be able to attend the Falcon Hills ground breaking ceremony and believes Sunset was well represented. Davis County paid for him to attend the Halloween Gala, which was a fund raiser for Alzheimer's and he was able to mingle with other political people. Council Member Furniss commented there is an article in the newspaper about the ground breaking and Mayor Bangerter is in the picture.

**Sunset City Corporation
City Council Minutes
November 3, 2010
Page 6 of 6**

Council Member Chapman made a motion to adjourn. Council Member Carlson seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:10 p.m.

These minutes have been read and approved at the regular City Council meeting held **November 16, 2010.**

Chad Bangerter, Mayor

Susan R. Hale, Recorder