

Sunset City Corporation
City Council Minutes
December 2, 2014
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Minutes of a regular meeting held December 2, 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
Norm Noyes	Public Works Director
Ken Eborn	Police Chief
Travis Carter	Asst. Fire Chief

Fire Fighters: Dave Powers, Brian Tobler, Brody Ward, Cindy Meffert, Marcus Garcia, Marc Sacco, Joni Goodman, Matt Maass

Excused:

Others Present:

Mark Becraft	North Davis Fire District
John Taylor	North Davis Fire District
Don Lilyquist	Maverik
Don McKinnon	Davis Behavioral Health
L. Dean Smith	Davis Behavioral Health
Scott Stevenson	Planning Chair
Terry Avondet	Sunset Citizen Corps
Spring Carter	Adam Scott
Kathryn Murray	Frank Meffert

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

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

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of October 21, 2014 and November 18, 2014 as presented. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

Public Comments: There were none.

1. Consider conditional use request from Maverik to locate at approximately 1840 N.

Main: Don Lilyquist presented the proposal from Maverik for a new convenience store on the corner of 1800 North and Main. He showed a site plan and stated they do not currently own or have on contract the corner parcel of Saigon Market, although they are still attempting negotiations. For the time being they can develop around that parcel. The convenience store will be towards the back and north of the property, with fuel stations in front. There are entrances on 1800 North and Main Streets. They have made application to UDOT for those entrances and have verbal approval, but are still waiting for the agreement. The store will be about a 4,600 square foot store with the basic layout of the newer Mavericks, such as the ones in West Haven and Farr West. When he went before the Planning Commission, they were concerned that the lighting not infringe upon the residential neighbors. Their lighting will be shielded and directed onto the Maverik property. That does not mean neighbors will not be able to see the light, but it won't be shining onto their properties.

Council Member Peterson said the Planning Commissioners were pretty excited about this development and along with the lighting being a condition, they would also have to follow City and State building and fire codes. Council Member Furniss mentioned one thing they said in the Planning Commission meeting was that a raised meridian can be hazardous to a convenience store, so he would like the Council to keep that in mind when working with UDOT on the 1800 North project. When asked, Mr. Lilyquist stated their entrance onto 1800 North is far enough away from the intersection so they won't need to have a right turn only exit like 7-11 has.

Planning Chair Stevenson reported the Commissioners recommend the Council approve the conditional use business for Maverik with the conditions they obtain all the necessary building permits, follow fire code, direct the lighting onto their own property and for them to make sure their store is located the correct distance from the elementary school. Mr. Lilyquist said they had already checked and the store is far enough away. Recorder Hale reminded them they would have to seek the Council's formal approval for the beer license before they can be granted State approval.

Council Member Peterson made a motion to approve the conditional use business license for Maverik to be located on the corner of 1800 North and Main with the conditions they abide by the laws of the State and City and that they direct their lighting away from their residential neighbors. Council Member Furniss seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

2. Discuss ideas for the properties owned by Davis Behavioral Health located on 800

North: Don McKinnon passed out a Google map to the Mayor and Council Members. He stated Davis Behavioral Health is the mental health and substance abuse treatment provider for Davis County. They believe treatment works, but they have found if people don't have employment and a place to live, they will go back to what they were like before. That is the reason they have purchased some homes and apartment buildings throughout the County. A Community Development Block Grant helped them with the initial purchase. Two of the

houses on the properties they purchased on 800 North have been demolished because they were too bad to renovate. Their choices for the properties so far are to manage what they have, which leaves a lot of open space, develop it or sell it to get the money to perform their mission somewhere else. They would like to develop something in Sunset that the City can be proud of and that meets their needs. They would prefer multi-family dwellings, but they know of the concerns the neighbors have had in the past with two-story buildings. There are many 4-plexes in that area, one of which they own. Most landlords rule out tenants and they take in some of those to help them. They own two other 4-plexes in the City and there have been no problems. He believes their housing works because the tenants are not just put there and forgotten about. They provide case management with all tenants. They also provide services for people who just cannot make their rent. Right now there is a family of four in one of their homes on 800 North who just couldn't pay their rent. They'll stay there a year and hopefully they can get back on their feet and move into a place of their own. They did not come tonight with a proposal; they are here with questions to see what they can do with the property. He does not believe leaving property R-1 will help them much because the properties are deep lots and one single family dwelling on each one will not allow them to help many families. If two story buildings are a problem, they could maybe build smaller side by side apartments or small single family houses in a cluster on the properties. However, according to the R-1 zoning ordinance, they could not do either.

Davis Behavioral Health manages some apartments just south of the Davis North Hospital and has an 8-plex in Clearfield, an 8-plex in Bountiful and a 10-plex in Layton. They own a lot across from the swimming pool in Clearfield that used to be four lots with homes on them. They have demoed all of the homes to develop higher end kinds of apartment buildings to fit into their general plan and are still appropriate for their use. They hope to ask to develop a project in Sunset that would be very nice as well. Their mission is to house their homeless in a nice place and teach them how to keep it up so they will be able to do so when they get out on their own. They do not have money to do a development now, but wanted to get some ideas of what they could do in the future. The Council would like to see what they would be able to do leaving the zone R-1.

- 3. Consider the amended Sunset Youth Council bylaws:** Council Member Furniss referred to the by-laws in their packets and asked if there were any concerns. He explained it is necessary for the Youth Council to have by-laws and theirs had not been updated for a while. Sunset is such a small City, they decided to allow Clinton youth to join their Youth Council as they go to the same Jr. High and High school that the Sunset residents attend. They also decided to allow youth aged 12 to 18 to become members. Items not mentioned in the by-laws were the minimum age to become the Youth Mayor, minimum age for attending the annual convention and that only the youth who actively participate in the fund raisers, meetings, etc. are able to attend the convention. Council Member Furniss will take the recommendations back to the Youth Council. When questioned about lowering the age requirement, Council Member Furniss replied in order to have a thriving Youth Council, the younger youth are needed.

Council Member Furniss made a motion to table this item. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

4. **Appoint an interim Fire Chief:** Mayor Macfarlane explained she had met with people all day trying to decide what to do. She would like the Council Members to hear some of the options available. She thought about leaving Travis Carter as Asst. Fire Chief to continue the roll of acting Fire Chief until the Council decides in what direction they want the Fire Department to go. After some discussion, it was decided to discuss item number 5 then come back to this item.
5. **Consider options for the Fire Department:** She invited North Davis Fire District Chief Mark Becraft to explain his proposal. Chief Becraft said he was instructed by Mayors Sheppard and Craythorn to see what they could do for Sunset so he talked to Mayor Macfarlane to see how they could help. In the five years he has been with the District, they have had a good working relationship with the Sunset fire fighters. He recently hired two Sunset fire fighters as their training has been adequate and they are good. Sunset has a lower call volume and is limited in funding. He only had a short amount of time, but gathered as much data as he could on Sunset so he could see their options for helping the community. He offered to step up as interim Chief to help out if it was needed. If not, the District is still there to help and back up Sunset just like always.

Mayor Macfarlane mentioned the contract for the medical doctor required to run the ambulance is up on the 31st of December and Chief Becraft has said they could also use their doctor if they choose to. Chief Becraft clarified the District is also looking for a new doctor and has possibly found an ER Physician at Davis North Hospital. If that doctor gets the District contract he would be willing to provide his service for Sunset as well.

Council Member Hadley asked if they could use this doctor as a fall back if they cannot come up with one by January 1st. Chief Becraft said yes. Council Member Peterson believes the Fire Department needs to stay as Sunset Fire Dept. until the Council decides what to do in the future. Council Member Furniss asked how the District Board Members are distributed and how the Fire Department's assets would get negotiated. Chief Becraft replied there are three Board Members from Clearfield, three from West Point and one at large, which is Davis County Commissioner Petroff. If Sunset were to come on board, the structure would change to either nine board members or remain at six with each city having two positions. He believes the tax payers paid for the assets, so the assets would go with the Department to avoid added taxes to repurchase them. The City would also gain because the District can purchase the new apparatus the City needs and all the resources are shared between the stations, so hazmat and USAR teams are always available. A full-time station will be run from Sunset and they would be able to utilize all existing fire fighters of Sunset. The fire fighters would also be paid more. He has read the feasibility study produced when the District was being formed and if Sunset would have gone in with the District and adopted their current tax rate, it is proportionate to their current budget. In essence, there would be no tax increase for the citizens. The tax and ambulance revenue would fund two full time staff;

one officer and one firefighter, 24/7, 365 days a year. The call amount and population of Sunset would justify a residential 2-bay pull through fire station. There would be a second-in fire engine and two more ambulances within Sunset's first-in response area, which is a three mile radius of the City. He could not justify four 24-hour positions; that would be \$800,000 a year. They don't have that in West Point. They would have to look at it, but there are a lot of options for Sunset fire fighters to work part-time around their main job. They choose their schedules, can sign up for up to 200 hours a month and are required to attend one training per month. Two fire fighters can man a fire truck and can commit to an interior fire tactic if there is an imminent rescue. Currently they could man the existing station. When the 1800 North project begins, it will take out the current fire station. The station could be negotiated to deed the property to the District or they could lease it until the 1800 North project begins. The only way a deal like this could work is buy in from the firefighters and the community.

Council Member Hadley would like to review the issue a bit more before making a decision. Council Member Furniss asked the fire fighters to please continue to fill their shifts, etc. because no matter which way they go, the Council needs their commitment. He thanked them for stepping up and keeping the shifts filled now.

Mayor Macfarlane said they need to choose an interim chief from Sunset and hold off on their proposal until they get more feedback from the citizens. They went back to item #4.

4. **Appoint an interim Fire Chief (continued):** Mayor Macfarlane would like to table this item until she can form a committee to review the applications for interim Chief. She asked for a motion to table this item. When asked for the benefits of tabling this tonight she replied the committee would be totally unbiased; she does not want to go through what she went through this last year. Council Member Furniss did not see any reason not to appoint an interim Fire Chief tonight so they can continue to run smoothly. Mayor Macfarlane said the Asst. Fire Chief is doing a very good job and she believes he will continue to do so until the next Council meeting. She does not believe this should be done too quickly. Council Member Snow said there is no problem with a committee to help decide on a permanent Chief, but said this is just an interim position. Council Member Furniss believes they need to have a chief who is willing to be honest and suggest the best option for the Fire Department, whether it is to go with the District, some other department or not to merge at all. Mayor Macfarlane agreed and said she interviewed two Chiefs today and believe both are very good and qualified. That is why she would like a committee. Council Member Peterson does not understand forming a committee for a temporary position. Even though they are looking at going with the District it will take time, so he would like the Fire Department to have a Chief to lead them in the interim. After all this discussion, Mayor Macfarlane said she would like to appoint Asst. Chief Carter as the interim Fire Chief and called for a motion.

Council Member Hadley made a motion to approve the appointment of Travis Carter as Interim Fire Chief. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

6. **Mayor and Council reports:** Council Member Furniss (on the North Davis Sewer Board, over Property Management, Transportation & Youth City Council) reported the Youth Council has just completed one of their main fund raisers selling pizzas. Youth Council Advisor Stevenson is holding the Youth Council Members accountable in that they have to be productive if they want to attend the annual conference. The North Davis Sewer District is one of the few sewer districts in the country that will produce their own electricity. They will be able to produce 75% of their own electricity by burning the methane from their digesters. He had nothing for transportation or property management.

Council Member Hadley (over Citizen Corps and Emergency Preparedness) said there has been no change with the Citizen Corps or Emergency Preparedness.

Council Member Peay (over Economic Development, Recreation & Senior Program) reminded everyone of the Senior Citizen Christmas party tomorrow at noon in the Sunset Room. There are no recreation plans until February and there is nothing to report for Economic Development.

Council Member Peterson (Planning Commission Liaison & over Public Works) said, unless the Planning Commission unanimously voted for it, he would not be in favor of rezoning the area on 800 North that was discussed earlier tonight. He thanked all the employees, residents and other for attending the meeting.

Council Member Snow (over Beautification, Better Landlord Program, Donations, Housing, on the Development Review Committee for MIDA & the Mosquito Abatement District Board) noted the Christmas lighting awards will be decided around December 10th and they will be meeting in a couple of days to discuss some changes. He reported that half the lights at Sunset Square are out again and Mayor Macfarlane asked Council Member Snow to check with the manager on that. Council Member Snow reported the DRC might have a meeting shortly because MIDA finally met this morning. He had nothing to report on donations. He attended the Mosquito Abatement meeting and they are going over their construction plans. He said he still has not received the rough draft on the Zions bank plan so Treasurer/Office Manager Youngdell said she would get a copy to him. He had nothing on housing.

Mayor Macfarlane (over Administration, Court, Military Affairs Committee, Police, Fire & on the Wasatch Integrated Systems Board) said the Court has been busy and believes the revenues are up from last year. Sunset has no seat on the MIDA Board yet, but she attended their meeting. There was a developer there who is building a Subway and a Star Bucks east of the fence. Falcon Hill is using Clearfield City's codes and licensing for the businesses going in. In time that may change to allow Sunset some input. They may put out an RFP for snow removal, police and fire. Sunset needs to be prepared for if and when that happens. She attended a ground breaking ceremony at HAFB for a business building. She was nominated to be a Wingman to the 388th and she is happy to represent Sunset City. She met with the Jensens of Sierra RV who asked if the City would help with the cost of covering the canal to give them a little more room. The project would cost approximately \$230,000. She agreed to talk with Weber Basin Canal to see what they would do. She has not gotten a

response from four of the Council Members on the agreement with Weber Basin Water. There were some changes and it needs to get back to the attorney as soon as possible.

- 7. Department reports:** Police Chief Eborn said he did not have anything to report unless someone had questions of him. Council Member Furniss said he went on a ride-along with two of the new Officers. It was great and learned both Officers are devoted to police work for Sunset. One stop was a DUI and the Officer handled a combative woman very compassionately so Council Member Furniss wrote an Employee of the Quarter nomination letter for him. Chief Eborn stated his appreciation for the feedback and letter. Council Member Hadley thanked the Police Department for their presence at the school zones.

Public Works Director Noyes congratulated Chief Carter on his appointment. He reminded the employees about the employee Christmas lunch at the Pizza Pie Café on December 12th at noon. He also mentioned the Senior Citizen luncheon tomorrow and asked the Mayor and Council Members to help serve them. It is a great chance to get to know the citizens. They had a water main break on Sunday and a potential sewer back up on Thanksgiving Day. The Public Works employees were great to come out and work in the cold on those days. The contractor on the CDBG project is submitting a request to suspend the job for the winter until they are able to get sod in the spring. The engineer is recommending that the Council approve the suspension. They all agreed to approve it. The citizens are aware of the suspension; some are upset but more are supportive.

Treasurer/Office Manager Youngdell advised Recorder Hale will have the business license renewals in the mail tomorrow. There will be a rezone request for the northwest corner of Sunset going before the Planning Commission so a developer can submit for a Planned Residential Unit Development (PRUD) to build 77 units there.

Interim Fire Chief Carter thanked the Mayor and Council for his appointment. He said they have been trying to sell the surplus Suburban and Crown Vic. According to the policy they are supposed to go through a government surplus, but if they are okay with it he would like to go through ksl.com. Public Works Director Noyes said that is how Public Works has done it. He will just have to go through a sealed bid process. Interim Chief Carter advised the Santa run will be Saturday at 9:00 a.m. and they will be in the Sunset Room from 12:30 to 3:30 so the kids can see Santa.

Council Member Furniss made a motion to adjourn. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Hadley, Furniss, Peay, Peterson and Snow voting yes.

The meeting adjourned at 8:40 p.m.

Approved – December 16, 2014

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder