

Sunset City Corporation
City Council Minutes
June 18, 2019
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Minutes of a regular meeting held June 18, 2019 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 (arrived 6:35)	Council Member
Scott Wiggill	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Jason Monroe	Public Works Director

Excused:

Ken Eborn	Police Chief
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Others Present:

Neil Coker	Janet D. LuJan
Wanema Butcher	Allyson Jackson
Jeremiah J. Jackson	Robert F. Smalling

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

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

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of May 7, 2019 as presented. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes and Wiggill voting yes.

Approval of Vouchers: Council Member Carlson made a motion to approve the voucher for Asphalt Preservation in the amount of \$41,587.00. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes and Wiggill voting yes.

Public Comments: Janet LuJan stated she has been a Sunset resident for over 50 years. There is a 1959 directory that was sponsored by the Lions. It has all the people's names in it that lived in Sunset and included their family members, employment, etc. It was really interesting to read.

Neil Coker mentioned it was good to see quite a few people running for office this time and it will be an interesting Election. With some of the things that have not been done in the City, he will look very closely at all the candidates.

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

PUBLIC HEARING

1. To gather public input on the fiscal year 2019 budget amendments: Recorder Hale explained the Council is proposing to reduce the FY19 General Fund and Utility Fund budgets; increasing the Class C Road Fund by \$47,970 to purchase two Public Works trucks; reducing the Dispatch/Animal Control Fund; increasing the Liquor Control Fund to do a DUI patrol, reducing the Youth City Council Fund because there is a decrease in membership, increasing the Miscellaneous Grants Fund because there was not a grant budgeted, but the Police Department received a \$5,082 grant; increasing the Local County Option Hwy/Transit Fund due to higher than expected revenues; increasing the CDBG Capital Project Fund by \$32,710 to have storm water inlets and ADA ramps installed; increasing the Public Works Capital Project Fund by \$15,705 due to the new skate park equipment and new playground equipment at Central Park. The total of all budgets will be \$4,841,097 which is a reduction of \$42,983.

Mayor Madsen opened the Public Hearing for comments. There were none.

2. To gather public input on the fiscal year 2020 budget requests: Mayor Madsen explained the City will receive a \$25,000 grant, but it may require an equal match. The City can use the funds to help one or more businesses with a new facade as long as the business(es) match the money given them. Or the City can use the funds to help clean up a business district, such as improving the street lighting along Main Street. The Council has not yet decided which direction to go, so the budget may have to be amended at a later time.

Recorder Hale reported the General Fund budget will be \$171,650 less than this year. The Utility Fund will be \$430,085 more than this year due to a waterline project on Main Street at a cost of \$450,000. The Class C Road fund will be \$73,970 less; the Dispatch/Animal Control \$3,000 more; Liquor Control Fund almost \$5,000 more for more DUI patrols. The Youth City Council will increase \$650 for hopefully more members attending the Youth conference and the Miscellaneous Grants Fund only has one grant applied for in the amount of \$185 for Court. The CDBG Capital Project Fund will not have a grant applied for. The Public Works Fund will increase \$370,000 for playground equipment and preliminary work towards the 1800 North project. The total for all budgets is \$5,118,705, which is a decrease of \$277,608 from this year. The budget includes a salary increase of \$2,210 annually for the Mayor and Council because the Council has not had an increase in over 10 years. It also includes a 2% COLA for the employees and \$1,000 in donations for the HAFB Top of Utah Military Affairs Committee (to help with the Air Show), other HAFB committees, North Ridge High School's All Night Graduation Party and Sunset Jr. High School's Red Ribbon Week 5K Fun Run. Major Capital equipment and projects include a waterline replacement on Main Street from 1300 North almost to 800 North, a police vehicle, playground equipment for Central Park and preliminary work towards the 1800 North project totaling \$855,660.

Mayor Madsen opened the Public Hearing for public comments. There were none.

Council Member Carlson made a motion to go back into the regular session. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

REGULAR SESSION

- 1. Resolution 2019-09 amending the fiscal year 2019 General Funds, Capital Project Funds and Utility Fund budgets:** Mayor Madsen called for a motion to approve the FY19 budget amendments.

Council Member Noyes made a motion to approve Resolution 2019-09 amending the fiscal year 2019 General Funds, Capital Project Funds and Utility Fund budgets. Council Member Bangerter 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.

- 2. Resolution 2019-10 adopting the operating budgets for Fiscal Year 2020:** Mayor Madsen called for a motion to approve the FY20 budgets.

Council Member Bangerter made a motion to approve Resolution 2019-10 adopting the operating budgets the fiscal year 2020. Council Member Council Member Wiggill seconded the motion. The motion passed unanimously with a roll call vote: Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Smalling – yes, Council Member Bangerter – yes.

- 3. Resolution 2019-11 adopting the Certified Tax Rate as supplied by Davis County:** Mayor Madsen called for a motion to approve the Certified Tax Rate as supplied by Davis County.

Council Member Bangerter made a motion to approve Resolution 2019-11 adopting the Certified Tax Rate as supplied by Davis County. Council Member Carlson 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.

Council Member Noyes was proud the tax rate was actually being decreased, when a few years ago, the Council believed the tax rate would need to be increased.

- 4. Resolution 2019-12 amending the Sunset City fee schedule:** Recorder Hale explained the State has mandated that cities have a tiered water fee system. Presently the base rate includes 10,000 gallons of water and any additional usage is charged \$0.13 per 100 gallons. The base rate will stay the same and for residential, the next 20,000 gallons will be charged at \$1.40 per 1,000 gallons and \$1.55 per 1,000 gallons will be charged for any usage over 30,000 gallons. For commercial the overage will be \$1.60 per 1,000 gallons for the next 20,000

gallons and \$1.75 per 1,000 gallons over 30,000 gallons. The sewer fee will stay the same for residents, but the sewer overage will change from \$0.215 per 100 gallons to \$2.15 per 1,000 gallons. Wasatch Integrated Waste Management Board has increased the fee by \$2.00 per garbage can and the City has to pass that to the residents so the first can will now be \$14.25 per month and the second can will be \$13.50 for residential and \$14.25 for commercial. The total monthly utility bill will increase by \$2.00 per month to \$68.25. A home occupation business no longer requires a business license unless the business impacts the neighborhood, so that fee has been removed. If a home occupation business owner still requests a license, the fee will be \$20.00. The City will no longer be charging non-residents a fee for notarization, so that fee was removed.

Council Member Carlson made a motion to approve Resolution 2019-12 amending the Sunset City fee schedule. Council Member Bangerter 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.

5. **Request for an amendment to the existing conditional use for CBR, Inc. located at 104 West 2400 North to add the sale of automobiles:** Chad Bangerter stated he appeared before the Planning Commission to explain the change he was requesting and the Planning Commission approved his proposal to amend his conditional use to include the sale of up to five vehicles per year. Any sales he has had in the past were tied to a friend's dealership, but the friend has now passed away and his dealership is being closed. He still has to purchase cars for parts and needs to sell the autos when he's done with them. In order to do that he needs to get a used auto dealership license from the State and add selling cars to his business license.

Council Member Noyes asked if most of the autos he will be selling are inoperable. Mr. Bangerter replied that most are operable, but some are not. The two conversed on the amount of autos Mr. Bangerter would be selling per year. Council Member Noyes does not want to give Mr. Bangerter permission to have a lot of inoperable vehicles on his property. Mr. Bangerter stated when he received his initial conditional use license, the number of cars allowed on the property was not mentioned, but he has been keeping around 10 to 14. With the addition of the sale of autos, the Planning Commission determined the cars would need to be behind a locked gate and when customers come to look at them the locations are just south of the building on the west side and on the east side across from the office door. He does not sell a lot of cars, but more than 3 per year. Generally they stay within the 14 autos being on the property. Council Member Noyes suggested putting a limit of 20 to be located outside of the shop.

Council Member Noyes made a motion to expand the existing conditional use for CBR, Inc. to allow for the sale of vehicles with the conditions that the amount of vehicles allowed outside of his shop at any one time be limited to 20 and that all vehicles for sale must be located on the property of CBR, Inc. Council Member Smalling seconded the motion. The

1 motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and
2 Wiggill voting yes.
3

- 4 **6. Mayor, Council and Department Head Reports:** Council Member Noyes mentioned to
5 the public, it seems like the Council went through the budget pretty quickly, but they have
6 spent hours and hours discussing every line item. There have been disagreements, but this
7 Council works really well together and can hash out their differences. It has been a good
8 process. He attended a DRC meeting and there are more projects coming up. The I-15
9 interchange at 1800 North is vital to some of the development so MIDA is pushing to get that
10 project moved up ASAP. They estimate that in the next five years, the development will
11 bring in 2,400 new high-tech jobs.
12

13 Council Member Wiggill pointed out that the Council tried to maintain the same water fee
14 for those that use smaller amounts of water.
15

16 Council Member Carlson stated he attended the NDSD Board meeting last Thursday. He
17 learned they need to be really careful with easements. In another city, the District had a
18 problem with people building over their sewer line easements. He reminded everyone to
19 check for easements before building a shed or anything because the easement owner can
20 force the building to be removed. The Board passed a Community Reinvestment Area with
21 tax incremental financing for the Clearfield Community Development and Renewal Agency
22 so Lifetime can finance their expansion off of Hwy 193. The taxing entities will only be able
23 to collect 25% of their taxes from Lifetime for 15 years. Lifetime will bring in hundreds of
24 jobs so the taxing entities will be able to gain their taxes from that. The Board also passed
25 their Certified Tax Rate which is 0.0008.
26

27 Council Member Smalling advised the Youth City Council is weeding the pumpkin patch
28 today and they're talking about dates for the Fall Festival. They would like to go as late as
29 they can, such as the last week in September. The Davis Mosquito Abatement Board also
30 adopted the tax incremental financing. Lifetime has been around for a long time and has an
31 option to move out of the State, which would not be good for the State, so this is a win/win
32 situation. Council Member Wiggill had mentioned last week about resident complaints about
33 the garbage pond in back of the Winegar property. The Police has been working with them
34 to get it cleaned up. Due to the standing water, she asked Gary Hatch from Mosquito
35 Abatement about it. He is going to get someone out there to spray. There have been some
36 cases of West Nile reported, but not in Utah yet so she urged everyone to be mindful of any
37 standing water in their yards.
38

39 Council Member Bangerter agreed with Council Member Noyes's comment on the Council
40 being able to work well together. He said it was nice to be able to work with Council
41 Members who he can disagree with and not be personally attacked. This is a great City, with
42 a good budget to enable employees to be compensated for the good work they do. It is
43 important to keep employees here long term because the knowledge they gain is beneficial to
44 the community. He thanked the Council for allowing him to work on the playground project.
45 The skate park shows how these improvements are good at getting the youth out to exercise.

1 Being able to enlarge the parking lot of Central Park, install a rock playground feature for the
2 kids and clean that area up is good, especially for the amount of money they are being able to
3 do it for. If the park changes due to the 1800 North project, the playground equipment and
4 the new restroom building are mobile so they can be moved to another location. As he was
5 walking around in the parks trying to decide what could be done, he saw a lot of abuse to the
6 park structures, such as the drinking fountains being filled with sand and the restroom doors
7 being kicked in, etc. To keep up and fix all the damage caused by those who feel they need
8 to do it costs the City a lot of time and money. It is amazing to him that the children of
9 Sunset are destroying the facilities they are being given to use and enjoy. He thanked the
10 Public Works and Police Departments for their work in trying to mitigate this damage. The
11 waterline on Main Street broke again last week and it has happened several times. This is
12 why it has to be replaced.

13
14 Regarding the Winegar's property complaint, Police Lt. Arbogast reported that today he
15 served them a summons to appear in Court.

16
17 Treasurer/Office Manager Youngdell said Administration has been busy and she thanked the
18 Mayor and Council Members for the 2% COLA the employees will receive in July.

19
20 Public Works Director Monroe also thanked the Mayor and Council for the COLA. He
21 stated the Public Works employees are really busy trying to get the park ready by Fun Days.
22 The fuel company put gasoline in the diesel tank and it has blown out the injectors of the
23 John Deer backhoe, so it is at the shop getting about \$8,000 of work done on it. He rented a
24 Caterpillar backhoe in the meantime. Luckily the backhoe was the only equipment damaged
25 because as soon as they knew why backhoe went down they emptied the tanks in the other
26 diesel engines.

27
28 Mayor Madsen thanked Council Member Bangerter for his work on getting the best deal he
29 could on the new playground equipment. There was a suggestion that 800 North be widened
30 a couple feet during the upcoming road project and he believed that was a non-issue. It has
31 been bid out and passed by both Sunset and Clearfield Councils. He will be meeting with
32 people from UDOT to discuss the entrance/exit on 1800 North when the new Jr. High School
33 is built, then they will meet with the School District. They will also be talking about paving
34 the area where the old City Building was for extra parking and if they will help pay for it. He
35 invited the Council Members to attend if they wanted to as it will be held in the City
36 Building. At the next NDFD Board meeting, all of the Board Members will be sworn in to
37 the new Board of the North Davis Fire District.

38
39 Council Member Smalling made a motion to adjourn. Council Member Bangerter seconded the
40 motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes,
41 Smalling and Wiggill voting yes.

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1 The meeting adjourned at 7:40 p.m.

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3 Approved – August 6, 2019
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7 _____
D. Howard Madsen, Mayor

Susan R. Hale, Recorder