

Sunset City Corporation
City Council Minutes
September 3, 2019
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Minutes of a regular meeting held September 3, 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	Council Member
Scott Wiggill	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director
Duane Arbogast	Police Officer

Others Present:

Sunset Youth City Council Members	
Joseph Cook	Lofts at Falcon Ridge
Henry DeVarona	Lofts at Falcon Ridge
Jeff Clouse	Lofts at Falcon Ridge
Steve Pease	Beverly Macfarlane
Janet D. LuJan	Ray Chapman

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.

Public Comments: Beverly Macfarlane said she has received a lot of call on the Primary, of which she is a candidate. People are wondering who won, what's going on, why they haven't heard, etc. She believes something should be put on Facebook so they would know what went on with the Primary. She didn't see anything on Facebook, so if something was put on there, she apologized.

Sunset Youth City Mayor Griffiths updated the Council on what they've been doing. They manned the Pepsi Trailer during Fun Days and was in the parade, where they won the Mayor's Choice Award. This summer they helped out by serving food at the Lantern House a few times, sponsored the Meet the Candidate Night and last Saturday they held a fundraising car wash, where they made \$240.00. Upcoming is the Fall Festival, so they are growing pumpkins to sell during it and they'll have some games. They will be decorating a tree for the Evergreen's Benefit that raises money for Safe Harbor. She thanked the Council for their support.

- 1 **1. Consider approval of the Lofts at Falcon Ridge Development located at approximately**
2 **2150 North Main Street:** Mayor Madsen asked Recorder Hale to provide some information
3 on this item. Recorder Hale stated there is a list of items required before the development
4 can be approved tonight. The cost estimate and bond for the infrastructure is now being
5 reviewed by City Engineer Nelson to make sure on the numbers. He will let her know his
6 opinion in the next day or two. The Development Agreement states a cash deposit, bond or
7 other financial guarantee must be submitted. City Attorney Ericson told her the financial
8 guarantee is provided by a bank and the City runs the risk of the bank closing. He said a cash
9 deposit would be the best method, but a lot of entities are using bonds, so the Council will
10 need to decide which they want. One easement has still not been obtained due to the
11 property owner being difficult to contact. Attorney Ericson said the City really doesn't need
12 that easement because the City already has a line in that location, therefore there is a
13 prescriptive easement there. He will write a letter to that property owner letting them know
14 that. The storm water and sanitary sewer concern has been addressed and that report is in the
15 Council packet. One of the items not on the list was the UDOT approval. There are some
16 minor items needing to be addressed before they will receive approval. Engineer Nelson
17 agreed the items were minor so it should be good. The other item was the Development
18 Agreement, which she had in Dropbox today.

19
20 Joseph Cook agreed with all the changes in the Development agreement, except for
21 paragraph 12. He believed the way it was written, he could not begin on the second building
22 before enough tenants were in building one to monitor the water use to make sure it was
23 within 5% of the engineering estimates. If building one is halfway completed and enough of
24 the units are pre-sold, they may want to begin on the second building. He talked to their
25 engineer, who said their estimates are based on International Building Code and State Code.
26 He proposed to build the buildings according to plan and use plumbing fixtures that are
27 energy efficient according to Building Standards and then be entitled to build the second
28 building. After much discussion, the Council agreed to have paragraph amended so he could
29 begin the second building, but when there is enough tenants living in building one to test the
30 water use, if the water usage proves to be more than 5% of the engineering estimate, the
31 project will be halted until the issue is remedied.

32
33 Council Member Wiggill made a motion to amend the Development Agreement as noted
34 above. Council Member Carlson seconded the motion. The motion passed unanimously
35 with Council Members Bangertter, Carlson, Noyes, Smalling and Wiggill voting yes.

36
37 Recorder Hale asked which guarantee of infrastructure the Council wanted and it was
38 decided it could be with a bond. Mayor Madsen stated this item would be on the next
39 meeting's agenda for approval.

- 40
41 **2. Consider approval of a job description for an ordinance enforcement officer:** Mayor
42 Madsen said a part-time Ordinance Enforcement Officer position was discussed and
43 approved during the budget process. A job description has been drafted and needs to be
44 approved. The position will be overseen by the Police Chief. It was said there needs to be a
45 big improvement in code violations or the position will not continue to be justified.

Council Member Noyes made a motion to approve the Enforcement Officer job description and pay rate. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

3. **Consider approval of a job description for a new Police Officer position entitled “Police Officer III / Master Officer”:** Police Chief Eborn stated there is currently a position similar to this, but it is called Police Officer III/Corporal. The job description only gave one way to obtain the promotion, so this new position will give an alternative to achieve it. Also, the Corporal position is administrative and the Master Officer is non-administrative. There is no pay difference between the old and new position.

Council Member Bangerter asked if this was going to be an added position or if another position would be eliminated. Chief Eborn does not believe they need the Corporal position. Technically it is still approved, but he does not foresee it being used. Currently, there is no one in that position. Council Member Bangerter would like to see the Corporal position removed to add the Master Officer position.

Council Member Noyes is concerned he is trying to promote someone to the Corporal position easier. Chief Eborn said he sees it as giving a person additional options. Council Member Noyes asked if this position is being created with a specific Officer in mind. Chief Eborn stated there is an Officer who would like to obtain it, but no one has been told they would get the position. Council Member Noyes believed, if an Officer already qualifies for this position, it looks an awful lot like they are creating a position so they can promote a specific employee. Therefore, he believes this should be discussed in a closed session. Mayor Madsen said that is not appropriate in this case because they would not be discussing someone’s competency, to which Council Member Noyes disagreed.

Council Member Bangerter asked Chief Eborn how many of his Officers could qualify for this position within two years and if more than one Officer could hold the position. Chief Eborn responded only one is there and one or two that are working towards it and there could be multiple Officers in the position. The Council agreed the prior position should be eliminated if this one is approved.

Council Member Smalling asked for clarification that this change is being considered because the required class was only given every few years. Chief Eborn gave the example of an Officer who attended a class to become an instructor, but did not finish because it was not his thing. He has since taken another class to become an instructor and found his niche. He feels this new position gives Officers another pathway to achieve the position with what they can excel at. Council Member Smalling stated this may be another way to retain officers.

Council Member Wiggill made a motion to approve the Police Officer III/Master Officer job description and eliminate the Police Officer III/Corporal position. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

- 1 **4. Mayor, Council and Department Head Reports:** Council Member Smalling reported the
2 Youth City Council will be helping her with the Veterans Program as well as the items they
3 reported previously. They now have 2 or 3 new members.
4

5 Council Member Wiggill acknowledged the NDFD has been really busy this past month with
6 the gun range fire in Bountiful and the Layton apartment fire, as well as the work they've
7 done in their own district. He volunteered to help Council Member Smalling with the
8 Veterans Program. Mayor Madsen added a NDFD open house will be held on September
9 23rd at the Sunset City Building from 5:30 to 8:00 p.m.
10

11 Police Chief Eborn advised the 2014 Durango has a major problem; during the past 80 days
12 the vehicle has been down 60 days or more. It has been taken to Larry Miller numerous
13 times; to Charlie's Service and to CBR. No one has been able to diagnose it. It is some sort
14 of electrical problem that renders the vehicle unusable and it happens a lot. Right now they
15 have put Officer Arbogast in the old Crown Vic because he is in the schools most of the time
16 and Sgt. Jamison is using his Charger because he is full time in patrol. He has contacted Ken
17 Garff Dodge in West Valley, who has the State contract for Dodge vehicles and who the
18 Durango was purchased from, and told them about the Durango's problem. He said he
19 would like to do business there again, but in order to do so, he would need them to buy the
20 Durango back. They said they would take the Durango back and give the City \$14,000 for it.
21 One option is to purchase 2 Durangos from Ken Garff Dodge; one as a replacement for the
22 Durango and one to replace his vehicle, which was budgeted. However, in order for him to
23 purchase them, the budget would need to be opened and more money added. Another option
24 is to purchase only one vehicle to replace the Durango and he could go another year before
25 purchasing a car for himself. After some discussion, the Council agreed to the second option.
26

27 Treasurer/Office Manager Youngdell advised the Fall Festival was advertised on the utility
28 bills this month and probably should have advertised the Fire Open House, but she hadn't
29 realized the date had been set. Therefore, she asked everyone to spread the word. She
30 reported there is a program called Peach Jar in the School system that was set up for
31 information from the schools to the parents. They also allow the City to advertise their
32 events in it. She had been under the understanding they had been unable to use it the past
33 few years, but she was contacted by a representative who told her that was not the case and
34 they welcome the City advertisements. She has set up an account and will make sure all the
35 City events are advertised on it. She informed the Council that the security camera system is
36 failing and two of the cameras haven't worked for a while. She had a company come out to
37 look at them and they said the main unit could maybe be replaced, but the cameras are old
38 and the others could fail at any time. The City has been looking to add a camera to the front
39 of the building and one to the back, so she is having them give her a bid on the whole system.
40 The City's annual Audit begins tomorrow.

41 Public Works Director Monroe reported the playground equipment for Central Park has been
42 delivered and they are just waiting for the company to do the footings and place the
43 equipment about a week later. Then they can get the fall protection in and begin on the water
44 feature. The speed signs are all up. He has gotten one week's worth of data and when the
45 second is done, he can get with Chief Eborn to pinpoint where some issues may be and have

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1 them patrolled more. He and Council Member Smalling talked about the time for the Fall
2 Festival and it will start at 5:00 p.m.

3
4 Mayor Madsen reported on a meeting he had with HAFB. The EPA is pushing for more
5 testing on the ground water plumes and Hill is having difficulty getting people to let them
6 come into their homes to test or re-test. Mayor Madsen is going to draft a letter or article to
7 urge the residents to allow the Air Force to come in and test and tell them it is totally free. If
8 there is a problem, Hill will set up an air pump in their crawl space to pump the chemical
9 outside. The plumes are decreasing, but the testing still needs to be done. He suggested to
10 them that he and the Council Members should let them test their homes even if they're not
11 within the plume, just so they can experience it and tell people what it's like. HAFB will
12 consider it. He met with a Davis County Economic Development representative today and
13 received some good information about special redevelopment districts, but they didn't see
14 where Sunset could use them right now. He wants to have a work session, where they can
15 come and talk with the Council on what they could help with. Wasatch Integrated Waste
16 Management had a fire in their mattress shredder bin that holds the stuffing for a total loss of
17 the trailer. They believe a hot piece of metal got in there and started the fire. They're
18 reviewing the program for safety. They're putting the finishing touches on the new facility
19 and then they'll begin moving equipment in.

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

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25 The meeting adjourned at 8:00 p.m.

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27 Approved – October 1, 2019

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D. Howard Madsen, Mayor

Susan R. Hale, Recorder