

Sunset City Corporation
City Council Minutes
November 19, 2019
Page 1 of 6

Minutes of a regular meeting held November 19, 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
Jason Monroe	Public Works Director

Excused:

Ken Eborn	Police Chief
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Others Present: none

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

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

Approval of Minutes: Council Member Noyes made a motion to approve the minutes of October 1, 2019 and October 15, 2019 as presented. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

Approval of Vouchers: Council Member Noyes made a motion to approve the voucher for EK Bailey in the amount of \$69,537.85. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

Public Comments: There were none.

Council Member Wiggill made a motion to go into a public hearing to gather input from Sunset residents on amendments to the Sunset City General Plan. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

PUBLIC HEARING

To gather input from Sunset residents on amendments to the Sunset City General Plan:

Since there was no public, the reason for the public hearing was explained for the record. Treasurer/Office Manager Youngdell explained the State mandated that a municipality's General Plan include an element for the city's Moderate Income Housing Plan. Sunset had a Moderate Income Housing Plan, but it was separate from the General Plan. The Planning Commission reviewed and placed the Moderate Income Housing Plan in the General Plan. The State mandated this had to be adopted by December 1, 2019 or funding could be withheld from the City. Section 4.6 of the Sunset City General Plan is the Moderate Income Housing Element. The Planning Commission held their Public Hearing on November 13, 2019 and there were no objections.

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 2019-17 amending the Sunset City General Plan to include the Moderate

Income Housing Plan: Council Member Noyes made a motion to approve Resolution 2019-17 amending the Sunset City General Plan. 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 2019-18 appointing Dustin Ericson as the Appeal Authority for Sunset City:

Mayor Madsen explained the State Legislature changed the law from requiring cities to have a Board of Adjustment to having an Appeal Authority. Attorney Ericson will be the sole person of the Sunset City Appeal Authority and he will review variance requests and will hear appeals on land use issues.

Council Member Bangerter made a motion to approve Resolution 2019-18 appointing Dustin Ericson as the Appeal Authority for Sunset City. Council Member Noyes commented that the Appeal Authority can have one or more persons qualified, so he suggested having one of the Council Members represented on the panel. When asked about the qualification aspect, he asked who defines the qualifications. Council Member Bangerter said from what he had read about it, the Council cannot. The reason the change was made was because some Board of Adjustments were granting variances that probably shouldn't have been done according to what is required in State Code. Sunset City Attorney Ericson is proficient in land use. Council Member Noyes said he is not against having one person make those decisions, but he is not comfortable with it. Council Member Noyes seconded the motion. Council Member Carlson asked if the other Attorneys in his firm could represent Attorney Ericson if he is not available and the Council said yes. 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 and Council Member Bangerter – yes.

3. **Canvass the 2019 Municipal Election:** Recorder Hale explained the Council would become the Board of Canvassers for this item. She presented the calculator tapes she had run that match the numbers of the reports. She read the reports stating Sunset has 2,091 registered voters and there were 784 ballots cast, which is a total voter turnout of 37.49%.

The results were:	<u>Votes</u>	<u>Vote % of the total</u>
Beverly K . Macfarlane	406	18.99%
Norm Noyes	360	16.84%
Chad Bangerter	335	15.67%
Ricky Carlson	307	14.36%
Annie O-Connell-Torgersen	305	14.27%
Christy Villani	234	10.94%
Write-in: Ryan Furniss	170	7.95%
Write-in: Not Assigned	21	0.98%
Total Votes Cast	2,138	100.00%

She read the results per precinct and stated there were 8 ballots not counted; 2 were not signed, 4 had signatures that did not match and 2 were not timely.

Council Member Bangerter made a motion to accept the results of the 2019 Municipal Election as canvassed. Council Member Smalling seconded the motion. The motion passed 4 to 1 with Council Members Bangerter, Smalling, Noyes and Wiggill voting yes and Council Member Carlson voting no.

4. **Discuss a computer program for building permits and inspections, which can also be used for code enforcement, storm water, and work orders:** Recorder Hale explained the City Inspect program was presented to her by the City's Building Inspector, Mike Fisher. He uses it with Hooper and Clinton City also uses it. She believes this program will pay for itself with the time it will save her in preparing the permits, sending them out for review and scheduling the inspections, especially with the upcoming developments. This had been discussed during budget meetings and \$2,000 was budgeted, not knowing the exact amount of the yearly dues. The yearly dues are \$2,500 and there is an unexpected one-time fee of \$5,800. However, if the 5 year contract is chosen, there is a \$1,500 discount making the one-time fee \$4,300. Also, the one-time fee can be paid in yearly or quarterly payments. Choosing yearly would make the annual payment \$3,360 for the first five years and \$2,500 after that. Since the annual payment is under \$5,000 she does not believe they need to do an RFP. She believes if Building Inspection pays half the cost, which is \$1,680, and police could pay \$840, due to using it for code enforcement, and public works could also pay \$840, due to using it for work orders and maybe storm water, they could possibly find the money and wouldn't have to open the budget. Council Member Noyes asked Public Works Director Monroe for his opinion and Director Monroe said the program was phenomenal.

Council Member Carlson made a motion to approve getting the program. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

1 **5. Mayor, Council and Department Head Reports:** Council Member Bangerter said
2 Facebook comments indicate there are some problems with crime in the north end of town
3 and asked if the Police Department could do extra patrols in the area. Mayor Madsen spoke
4 of three males acting suspicious across the street from his house the other day. Council
5 Member Bangerter said yesterday some kids from inside the school yard busted out a
6 window in one of his trucks. He mentioned former Council Member Budge had passed
7 away. She had also been on the Board of Adjustment for a few years. Mayor Madsen said
8 the City was sending flowers and had a card going out to her family.
9

10 Council Member Smalling reported that during the meeting of the Mosquito Abatement
11 Board, she learned Utah had 14 positive neuro invasive disease cases and 7 non-neuro
12 invasive disease cases for a total of 21 cases of West Nile Virus, one of which ended in
13 death. Nationally, there was 557 positive neuro invasive cases and 297 non-neuro invasive
14 cases for a total of 854 cases, with 44 ending in death. The Youth City Council decorated the
15 Christmas tree last night for the Evergreen fund-raising event. The Veterans Program held
16 last week turned out fantastic. The speaker was great and the Utah Military Academy
17 conducted the flag ceremony.
18

19 Council Member Carlson reported the 2020 Budget for the North Davis Sewer Board is about
20 \$26 million. The reserve is about about \$40 million because when something goes bad it is
21 very expensive. The collections maintenance building is almost ready to move into. The
22 NDSD has the sewer line on 1800 North scheduled to be replaced in 2021 regardless of what
23 UDOT is doing because they can't wait too much longer before the line fails. He attended
24 the Veterans Program and said Council Member Smalling did a great job. It was very good.
25

26 Council Member Wiggill also recognized Cheyrl Budge, who was an active member of the
27 community, and sent out condolences to her family.
28

29 Council Member Noyes reminded everyone that the no overnight parking for the winter has
30 begun and he really wants to see that aggressively enforced for the safety of the residents.
31

32 Treasurer/Office Manager Youngdell advised Mayor Madsen had authorized her to send
33 flowers from the City for Cheyrl Budge's funeral services. She had reported in the past that
34 the security cameras were going out. They can't pull any data off of the system. She had a
35 company come out to see if the system could be fixed and how much it would be to add a
36 camera to the back of the building and one in front. During that time Mayor Madsen found a
37 company at the ULCT conference and asked them to come give a cost estimate. This is not
38 in the FY20 budget so she asked if the Council wanted to put this on the agenda to review the
39 proposals or if they wanted to wait until the next budget year. When asked what the
40 proposals were, Treasurer/Office Manager Youngdell replied one bid was over \$17,000 and
41 the other was \$9,800. The company with the lower bid had included installing 360 degree
42 cameras on the 4 corners of the building to get a bigger viewing area. The Council discussed
43 doing an RFP, but the company with the lower bid is on the State bid list so they don't need
44 to do an RFP. They also discussed when it needs to be done. They decided to see if there
45 was money in the Building and Grounds budget, and if there wasn't they will open the

1 budget to add it. Treasurer/Office Manager Youngdell stated it is renewal time for the City's
2 liability insurance for property, autos and workers comp. There will be no rate change for
3 the property, auto and physical damage policy. The loss ratio for property and auto is 48%
4 which is \$0.48 for every dollar the City spends. The City is receiving a premium relief credit
5 of 12%, which means the premium will be 12% lower. She explained the Workers Comp e-
6 mod, which determines the premiums. This year there will be a 29% decrease in premiums.
7 There is a TARP program, which is a Workers Comp competition between employees in
8 departments. Sunset's departments are Police, Public Works and a combination of
9 Administration and Court. The competition consists of the Council giving some kind of
10 reward to encourage the employees to look for safety and the reward can be given yearly or
11 quarterly. She suggested doing it yearly and the rewards can be something as simple as a \$5
12 or \$10 Amazon gift card, a bag of candy or some kind of recognition. Council Member
13 Bangerter asked that Treasurer/Office Manager Youngdell and Mayor Madsen come up with
14 the plan and let the Council know what the plan is. The rest of the Council Members agreed.
15

16 Mayor Madsen reported for Chief Eborn. The Police Department has two vehicles down;
17 Sgt. Jamison's Durango keeps having the same issue already reported to them and the other
18 vehicle has engine problems and they are waiting on parts. The new vehicle approved in the
19 budget will be delivered in December. They were just awarded two grants totaling \$7,000
20 for desk top and vehicle computers. Mayor Madsen advised Wasatch Integrated Systems
21 will be able to occupy their new buildings in a couple of weeks. He is now on the executive
22 board as the Secretary/Treasurer. He will be flying to San Diego on December 4th to check
23 out some equipment being made for the building and flying back the same day. He
24 commented that Sunset City has only one vehicle payment in FY21 and it'll be debt free.
25 There will come a time when the City has to incur debt for infrastructure. He and Public
26 Works Director Monroe had talked about whether to apply for a CDBG grant to help with a
27 storm drain project on 250 West or one to help with the full road and infrastructure project on
28 300 West and 350 West. They were thinking, since there haven't been many water leaks in
29 that area and where that would be a multi-year project, they may want to just apply for a
30 grant to do the storm water project on 250 West. Council Member Noyes said the leaks on
31 300 West and 350 West are not much of a problem, but fire protection is. The 4" line is not
32 adequate for fire protection in that area, so he believes that is the project they should do
33 first. Mayor Madsen realized he had not given Public Works Director Monroe time to talk
34 and turned the time over to him.
35

36 Public Works Director Monroe reported the waterline project on Main Street is all finished
37 but the punch list items. He said he agrees with Council Member Noyes on the 4" waterline,
38 but at the same time the puddle that ices up due to the inadequate storm drain system on 250
39 West is another liability. Back when they did half of 300 West, the project cost about
40 \$380,000. When Recorder Hale talked with Stephen Lyon, who is the Grants Administrator,
41 she was told the City could apply for up to \$200,000 if they show they are spending about
42 25% of that. By doing that, it would only cover half of the remaining half of 300 West, so it
43 would take a 2-year grant to complete it. Then that pushes the storm water project back 3
44 years, but then there's the 400 West project that is twice as long as the 300 West project.
45 That puts the City into a situation where it has to incur debt to get it all done or pick one to

1 do first. He would like direction from the Council on which one to choose. He estimated the
2 cost of the storm water project to be about \$125,000. Council Member Noyes suggested they
3 could maybe figure out how to pay for the storm water project and go after the grant for the
4 road projects. Director Monroe stated the letter of intent has to be in by December 21st. The
5 Council discussed the issue and came to a consensus to open the budget and find the money
6 to do the storm water and apply for the multi-year grant for the road projects.
7

8 Mayor Madsen stated the Council needed to go into a closed session in accordance with Utah
9 State Code 52-4-205 (d) strategy sessions to discuss the purchase, exchange, or lease of real
10 property, including any form of a water right or water shares, if public discussion of the
11 transaction would: (i) disclose the appraisal or estimated value of the property under
12 consideration; or (ii) prevent the public body from completing the transaction on the best
13 possible terms.
14

15 Council Member Wiggill made a motion to go into a closed session as Mayor Madsen outlined.
16 Council Member Carlson seconded the motion. The motion passed unanimously with a roll call
17 vote: Council Member Bangerter – yes, Council Member Smalling – yes, Council Member
18 Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes.
19

20 **CLOSED SESSION**

21 **In accordance with Utah State Code 52-4-205 (d) strategy sessions to discuss the purchase,**
22 **exchange, or lease of real property, including any form of a water right or water shares, if**
23 **public discussion of the transaction would: (i) disclose the appraisal or estimated value of**
24 **the property under consideration; or (ii) prevent the public body from completing the**
25 **transaction on the best possible terms.**
26

27 The recording of this closed session is being kept in accordance with Utah State Code Section
28 52-4-206 titled Record of Closed Meetings.
29

30 Council Member Bangerter made a motion to go back into the regular session. Council Member
31 Carlson seconded the motion. The motion passed unanimously with Council Members
32 Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.
33

34 Council Member Bangerter made a motion to adjourn. Council Member Smalling seconded the
35 motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes,
36 Smalling and Wiggill voting yes.
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38 The meeting adjourned at 7:50 p.m.
39

40 Approved – December 3, 2019
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44 _____
D Howard Madsen, Mayor

Susan R. Hale, Recorder