



Regular City Council Meeting Minutes

Tuesday, July 21, 2020 at 6:30 pm

Attendees: Mayor Pro-Tem Wiggill, Council Member
Bangerter, Council Member Macfarlane, Council Member
Noyes, Council Member Smalling, Treasurer/Office Manager
Youngdell, Public Works Director Monroe, Police Chief Eborn,
Charles Kundsén - 482 W. 2300 N. Mayor Madsen and

Recorder Hale were excused.

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at the date and time noted above. It will be held following social distancing rules in the Sunset Room of the Sunset City Office Building, 200 West 1300 North, Sunset, Utah.

Any information or items for the Council's consideration must be furnished at least seven (7) working days prior to the scheduled meeting to give the needed time to study the request.

REGULAR SESSION

- 1. CALL TO ORDER & WELCOME by Mayor Pro-Tem Wiggill**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE by Council Member Macfarlane**
- 3. APPROVAL OF MINUTES - May 19, 2020, June 2, 2020 and July 7, 2020**

Minutes:

Council Member Macfarlane made a motion to approve the minutes of May 19, 2020, June 2, 2020 and July 7, 2020 as written. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Noyes and Smalling voting yes.

4. PUBLIC COMMENTS

Minutes:

There were none.

Agenda Items

5. Conditional use request for a multi-family dwelling in the R-3 zone and preliminary condominium approval for a 3-unit condominium building to be located at 482 West 2300 North

Minutes:

Council Member Bangerter said this proposal was approved by the Planning Commission and recommended that the Council approve it as well. However, he was concerned about the property currently not conforming with the weed and junk ordinance.

Charlie Knudsen, Nathan Alvey's business partner, said they are ready to move forward as soon as they get approval. In the mean time they will take care of the weeds.

The Council discussed taking care of weed problem, cleaning up the sidewalks and making sure the sewer lateral and water line were capped off properly. It was also mentioned that this property received a 3 foot variance to the required 30 foot rear setback on the southwest corner of the building due to the angle of the property line, so the rear setback on that corner is 27 feet.

Council Member Bangerter made a motion to approve the conditional use request for a multi-family dwelling in the R-3 zone and preliminary condominium approval for a 3-unit condominium building to be located at 482 West 2300 North with the conditions that the weeds and sidewalks be taken care of as soon as possible and that sewer/water lines are capped off properly. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Noyes and Smalling voting yes.

6. Presentation to rezone the City owned property located at 200 West 1300 North from Commercial C-2 to Residential R-3 and setting the date for a Public Hearing

Minutes:

Council Member Bangerter advised the Planning Commission held a public hearing on rezoning the City Building property from C-2 to R-3. No public was present and the Commissioners approved the rezone. They would like the Council to move forward with the rezone.

Council Member Bangerter made a motion to accept the presentation and schedule the public hearing for August 18, 2020. Council Member Macfarlane seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Noyes and Smalling voting yes.

7. Mayor, Council and Department Head reports

Minutes:

Council Member Macfarlane began talking about the lighting and trees, but it was decided those items were to be discussed during the work session. She talked to

someone at UTA about bus shelters and one has been approved for the stop in front of Smith's Food & Drug. The next stop she would like to see sheltered is the one in front of Charlie's Service Center. She doesn't know what is happening with the pickle ball nets; when she goes over one is not there, but when Council Member Bangerter goes over it's there.

Council Member Bangerter commented how much a movie he watched about the Boston Marathon bombing affected him. It made him realized how finicky people are; one minute they are praising the police and firefighters and the next minute they treat the police and firefighters like garbage. He believes they need to stand up for what is right, although it can be hard at times. He thanked the police officers, firefighters, public works employees, administration employees, and all the people in this City that makes it work.

Council Member Smalling said Utah has one case of West Nile Virus so far. Davis Mosquito Abatement has been through the County three times now and if anyone needs a spray before an outdoor party or for an influx of mosquitoes, they can go to their website or call them to schedule a spray. She echoed what Council Member Bangerter said and included the military. The parks look amazing. She was able to watch the police officers in action and appreciated the respect they give the citizens, even when they don't get it back. She asked everyone to be thinking about the veterans program this year because they will not be able to accommodate the six foot distancing. She has gotten some suggestions of what they can do in place of the program this year.

Council Member Noyes said he has had a sign in his window for quite some time reading "We support our police" and his son mentioned that, by having that sign there, they inviting vandalism. His wife said they'll just take that chance because she will not take down the sign. That's the kind of stand people have to take. During the report agenda item, he is concerned they talk to much about trivial things that don't need to be brought up during the meeting. He said he calls Public Works Director Monroe a few times during the week about public works items, but he doesn't feel the need to express every City matter he's been involved with for the City. Unless it's pertinent, he doesn't feel they need to bring up every detail.

Police Chief Eborn reported the new car is here and on the road and the car that has been down for about eight months is back on the road. The accident Officer Arbogast was in has been reviewed and it was Officer Arbogast's fault, but they don't feel he did anything grossly negligent and Chief Eborn does not feel Officer Arbogast should receive a reprimand because he has 14 years with the City and has never had an accident before. To the question of who reviews accidents that happen with City vehicles, Chief Eborn replied he doesn't know if other departments have other policies, but his policy is that it is done in house with himself, the Lieutenant or Sergeant and one other officer of the person's choosing. If it is at a

level where criminal action could be taken, then it would be reviewed by the County Attorney's office. He knows the push now is to go with citizen review boards.

Council Member Noyes wondered if they should create a city-wide policy for a citizen review board, so it's independent from paid employees. Treasurer/Office Manager Youngdell advised the City has a safety committee made up of the Mayor and Department Heads. Mayor Pro-Tem Wiggill said if a policy change is necessary the Council needs to request it.

Mayor Pro-Tem Wiggill reported, in a 2-week period, the North Davis Fire District responded to 6 fires, 143 medical calls, which included the motor vehicle accident on I-15 where 3 construction workers were hit, 3 hazardous calls, 23 service calls and 10 false alarms. He also echoed the sentiment of appreciation for the employees of the City. He has noticed a lot of improvement in yards lately. The topic of paramedics moving from the Davis County Sheriff's Department to the fire departments is still being discussed.

Council Member Bangerter mentioned the City is losing Planning Commission Members and it needs an ordinance enforcement employee. He asked the Council to think about recruiting people.

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

WORK SESSION

8. Discuss items Sunset City needs due to the COVID-19 virus regarding the CARES Act funding received

Minutes:

Mayor Pro-Tem Wiggill read from the handout, "Sunset has received \$158,143 from the CARES Act Funds. That is 1/3 of the \$474,429 the City could possibly receive.

Davis County would like the cities to give the County ½ of the amounts given to the cities for their Davis CARES Business Grant Program. That would be \$79,071. The City could run its own business grant program, but that make the Council have to decide who gets the loans and it also puts a lot of added workload onto City staff. The three Mayors on the NDFD Board has discussed the proposal given to them on giving some of the money to the North Davis Fire District for wages and equipment. They decided to give them the amount requested for the wages in the amount of \$141,339.74 to be divided between the cities according to population. Sunset's portion is \$15,707.97, which is 11.1% of the total amount. If both of those items are done, it gives Sunset \$63,364 to pay for COVID related items within the City.

Whatever the Council decides to spend must be spent by November 30th or it has to be returned." He opened the item up for discussion. Council Member Bangerter

said, after reading the Davis County Grant Program, he is not in favor of giving them any of the money because five Sunset businesses applied for the funds and most of them did not qualify. Davis County received \$31 million and he feels Davis County is great to work with on some things, but he is not for this. Sole proprietor businesses don't qualify unless they have at least one employee besides the owner. He compared Davis County with North Davis Fire District, that received no CARES money at all. NDFD is asking for some from the cities it represents and he totally agrees with giving them Sunset's share in the amount of \$15,708. Police Chief Eborn talked about all of the items he has been able to purchase and what he still plans to purchase. For all the essentials, it may cost around \$15,000. If the City does not give money to Davis County, it can be used for City businesses or a wide array of items relating to COVID-19 such as personal protective gear, a decontamination shower in the basement, a better air circulation system for the City Building, thermometers, communication systems, technology update, hydrant flushing system so only one person is needed to operate it, increased water/sewer system needs from people being home, etc. This was discussed extensively. It was decided to give NDFD \$15,708, not to give the \$79,017 to Davis County and not to offer a small business grant program during this first tranche. They will spend this first tranche to keep the City employees safe and make the City Building safer, which will in turn help the City by keeping the residents' services operating. The Department Heads were directed to make a list of items their department needs to keep safe while meeting the needs of the public and to let Mayor Madsen know what needs to be purchased ASAP. The Council wants Mayor Madsen to know the Council is in agreement of allowing the Department Heads to purchase their immediate needs quickly. All purchases must be COVID-19 related.

9. Discuss the lighting along Main Street

Minutes:

Council Member Bangerter stated they have worked on coming up with a generalized lighting system in the City and it is a great idea to have developers install them as the developments come in. However, the City has to take care of the lights meaning people have to be hired or trained to work with electricity and they would have to stockpile poles and fixtures because they quit making a certain style after so many years. This was discussed at length with the pros being having more light, no matter how many different styles of lighting is used, and making Main Street look better to those passing by. The cons are the \$15,000-\$20,000 per year to hire an electrician or pay for an employee to become an electrician and purchasing an electrician's truck. That was rebutted by suggesting the City hire an electrician as needed. Another item is that when 5 poles were added to Main Street a few years ago and it increased the power budget over \$5,000 per year. Council Member

Bangerter offered to have a lighting company representative come explain how the lighting works to install the light on one side of the street and have it reach across to the other side. The problem Sunset has that other cities don't is the City can only put lighting on the west side of the street. Also, eventually the 1800 North interchange will change the look of that area. The lighting presentation will be on the next agenda.

10. Discuss allowing chickens within Sunset City

Minutes:

Council Member Noyes does not want to allow chickens in Sunset and said it would increase Animal Control costs. Council Member Macfarlane said she liked the ordinances she read from other cities and they give the cities some way to control them, so if this problem is getting out of control an ordinance would give them recourse to control it. Council Member Wiggill the City's ordinance already says chickens are not allowed, so if the neighbors complain the chickens have to go because that's what the ordinance says. He has not been approached by any resident of the City asking him to discuss chickens.

Council Member Noyes made a motion to table this discussion. Council Member Macfarlane seconded the motion. The motion was not voted upon.

Council Member Bangerter made a motion to go back into the regular session. Council Member Smalling seconded the motion. The motion was not voted upon.

11. Adjourn - 8:15 p.m.

Minutes:

Council Member Bangerter made a motion to adjourn. Council Member Macfarlane seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Noyes and Smalling voting yes.

Compliance

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Sunset City Offices, (801) 825-1628, at least 48 hours in advance of the meeting.

Agenda posted in accordance with Utah State Code Annotated 52-4-202(3) and provided to the Standard Examiner.

Susan R. Hale,
Sunset City Recorder

