

Sunset City Corporation
City Council Minutes
February 7, 2012
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Minutes of a regular meeting held February 7, 2012 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

Mayor and Council Present:

Chad Bangerter	Mayor
Brent Andrews	Council Member
Ricky Carlson	Council Member
Ryan Furniss	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda Youngdell	Treasurer/Office Manager
Neil Coker	Fire Chief
Bruce Arbogast	Police Lieutenant
Doug Garcia	Police Corporal
Norm Noyes	Asst. Public Works Director

Excused:

Ken Eborn	Police Chief
Mickey Hennessee	Public Works Director

Others Present:

Terry Avondet	Citizen Corps
Jason Gabbert	Planning Commission
Ryan Walker	Traci Garcia
Pam Furniss	Sydney Furniss
Ray Chapman	Alanna Ricketts
Jerold Bailey	

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

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

Approval of Minutes: Council Member Andrews made a motion to approve the minutes of January 3, 2012 as amended. Council Member Furniss seconded the motion. The motion passed unanimously.

Council Member Furniss made a motion to approve the minutes of January 17, 2012 as presented. Council Member Snow seconded the motion. The motion passed unanimously.

Citizen Comments: Jerold Bailey said he was here for Ned Shelley who has Parkinson's Disease and is now unable to talk. Mr. Shelley would like to schedule a couple of days in the spring to display and sell his paintings in the Sunset Room. He plans to donate all the money earned to the Parkinson's Disease Foundation for research. He thought April 20th and 21st would be good. Council Member Carlson said Mr. Shelley has given a lot to the community and he

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would like to give back to him. Council Member Andrews suggested checking the Sunset Room schedule to see if the dates are available. Treasurer/Office Manager Youngdell said the Sunset Room is already reserved on April 21st and April 28th. Council Member Furniss asked if the paintings would be able to be displayed on the walls throughout the City Building with little plaques on them stating the sale of the painting goes to the Parkinson's Disease Foundation. Mr. Shelley would have to sign a waiver on any damage done to a painting, etc. He has seen it done in other buildings. Mayor Bangerter asked Mr. Bailey to go to the office during business hours and reserve the days he wants and then come back to the Council with more information. He asked the Council if the Sunset Room fee could be waived. The consensus of the Council was given to do that. Mr. Bailey said he would get the room reserved.

1. **Reappoint Jason Gabbert as a Planning Commissioner for another 4 year term:** Council Member Peterson stated Commissioner Jason Gabbert's term expired and he agreed to serve another term on the Planning Commission.

Council Member Carlson made a motion to appoint Jason Gabbert for another 4-year term on the Planning Commission. Council Member Furniss seconded the motion. The motion passed unanimously.

2. **Appoint Ryan Walker as an Alternate Planning Commissioner:** Council Member Peterson advised Ryan Walker was interviewed by the Planning Commissioners on January 19th and they would like him to be appointed as an Alternate Planning Commissioner. Mayor Bangerter pointed out Mr. Walker recently ran for City Council, but did not make it. He is happy to see him become involved with the City this way. Council Member Andrews asked Mr. Walker what he meant on his application when he stated he might like to see a hotel built on 1800 North. Mr. Walker replied it was one idea to take up minimal space to bring in jobs and still maintain the quietness of Sunset. Mayor Bangerter said he liked that Mr. Walker was looking into doing something as the area develops.

Council Member Carlson made a motion to appoint Ryan Walker as an Alternate Planning Commissioner. Council Member Peterson seconded the motion. The motion passed unanimously.

3. **Council Member Reports and General Information:** Council Member Snow stated NIMS training has been scheduled for the Council on February 18th and March 10th at 1:00 pm. If the Council does not have the training it will jeopardize receiving any FEMA funds in the event of a disaster. He thanked everyone who wrote a letter of recommendation for the Sunset Youth Council to help them receive an award at the Logan Conference. The Youth Council Advisor will have the registration form sent in by February 18th. The Youth Council was thankful for the opportunity to be involved with the Sunset Sam Winterfest. They plan to do a flag fund raiser and realize it will be quite an undertaking to put out the flags each holiday, but feel they are up to it. They also talked about painting addresses on the curb for those who sign up to receive flags. He reminded everyone about the Valentine Murder Mystery dinner on February 13th and 14th at 7:00 pm with the cost being \$40.00 per couple. It will be catered by Grandma's Kitchen. Fire Chief Coker advised that the dinner on the 14th

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has been canceled for lack of involvement. Council Member Snow thanked the police, fire fighters, Citizen Corps and all volunteers for all they do for the City.

Council Member Peterson thanked all those that participated in the Sunset Sam Winterfest. He explained the Planning Commission is reviewing the General Plan and said he appreciates what they do.

Council Member Furniss echoed Council Member Peterson's comments on the Sunset Sam Winterfest and apologized for not being able to attend. Based on the research he and former Council Member Chapman have done, they concluded that it should be God and then Country, which would mean the Council meetings should begin with the invocation then the Pledge of Allegiance. The Council agreed to have the two items switched from now on. Council Member Furniss has watched other cities do their budget and said former Clearfield City Manager, Mr. Hillam, was a master at doing their budget. He would like to see Sunset do a budget retreat like Clearfield does. They could have it in the Sunset Room for a full day. He believes there is a tendency for Department Heads to pad their budgets a little bit due to fear of the Council not allowing them to purchase something they really need in an emergency. He would like to instill in them the confidence to know if there is a pressing item, the Council will open the budget and they'll be able to get it. He would like the Department Heads to start off with the bare necessities, realizing if there is an emergency they will be able to deal with it. Again, he would like to do a full day budget retreat with a break for lunch. West Point and other cities do it and it works well for them. He wants to go through the budget more methodically and not rush it during work meetings held after regular meetings. He believes this would be a more relaxed setting and the Department Heads would have more time to explain their needs. Mayor Bangerter said he meets with each Department Head on their budget before it goes to the Council and asked if he wants them to first meet with the Council and then have the budget go back through the Mayor's office or be done with it by the time their out of the retreat. Council Member Furniss said he would like the Department Heads to come to the retreat with their wish lists and relegate an hour for each Department Head to explain what they want. He would like the Council to be a part of the beginning process to help them understand the budget better. Mayor Bangerter said he has no problem with a retreat; he just needs to know if they want him to start the process or go over it after they do and before it goes back to the Council for final approval. Council Member Furniss said he knows he needs to become NIMS certified, but he cannot usually do it on a Saturday. It may be better to hold the training after a Council meeting or even on a Tuesday when there is not a regular Council meeting. It was discussed and Mayor Bangerter asked the Citizens Corp to detail how the Council can do this online and then follow through with them.

Council Member Andrews said at the January 3rd meeting, Council Member Snow suggested having a reminder system so the Council will remember to discuss items they said they would review after a certain amount of time. He has brought in a locked file cabinet to put the reminders in and said it would also be good to keep printed emails in for when they are requested as public information. He thanked all those that contributed to the Sunset Sam celebration. Council Member Snow suggested discussing the things that went well and those that did not after the celebration each year.

Assistant Public Works Director Noyes also thanked everyone who helped with Sunset Sam.

Fire Chief Coker reported on April 17th, Utah will have a state-wide 7.0 earthquake exercise at 10:15 am. The Fire Department and Citizens Corp are planning to set up their volunteer coordination center. He advised the City has received about \$10,000 per month for the last two months and right now just about \$30,000 has been received. They are billing an average of \$20,000 per month. He got a fire call and left.

Police Lt. Arbogast said the two open positions in the Department have been filled. Bruce Arbogast was the only applicant for the Lieutenant position and it was given to him. There were two applicants, Doug Garcia and Brett Jamison, for the Sergeant position and Brett Jamison was chosen for that position.

Mayor Bangerter said the Sunset Sam Winterfest is growing and beginning to be a great thing for Sunset. The Andrews family started it due to a tragedy in their family 18 years ago and has evolved from there. It is fun and good publicity for the City so they will continue to add to it. He is looking forward to Fun Days and there will be a carnival this year. Council Member Andrews said the last time they had a carnival several mothers were concerned with the type of people running the carnival and he wondered why they were bringing it back. Council Member Carlson said only a small group of people talked out against it, but the people he talked to generally didn't feel that way.

Fire Chief Coker came back because the call was cancelled. He asked if there were any questions about the ambulance. Council Member Andrews asked what the overhead was for the ambulance and Chief Coker replied their budget was \$73,000. Mayor Bangerter said he questioned this program, but he has been very impressed with what he has seen so far and commended Chief Coker for the way he has handled it. Chief Coker continued with the "Great Shake Out" exercise and setting up the volunteer coordination center. The Davis County Commissioners pointed out the need for keeping track of the volunteer hours because it goes towards the 25% that FEMA does not pay for critical infrastructure damage in a major disaster. The Citizens Corp Council is planning to do a fund raiser during Fun Days by doing 72-hour kit-in-a-can sales. The Fire Department Open House and Safety Fair has been scheduled for September 27th. The next big event for the Fire Department is the Easter Egg Hunt to be held April 7th, the Saturday before Easter. Every year by October 1st he has to report directly to FEMA how the City stands on NIMS compliance.

Council Member Furniss made a motion to go into a work meeting after a 5 minute break. Council Member Carlson seconded the motion. The motion passed unanimously.

WORK SESSION

- 4. Discuss the Planning Commission's recommendation on Ordinance 10-5A-6 regarding household pets:** Mayor Bangerter said this issue was sent to the Planning Commission for their recommendation. They discussed it on January 19th and their recommendation is as follows:

10-5A-6: HOUSEHOLD PETS:

~~A. In residential zones, household pets shall be limited to the keeping of not more than two (2) dogs or cats, or combination thereof, four (4) months old or older. In addition to the two (2) permitted animals, one seeing eye, search and rescue or other aid dog may be allowed under the following circumstances:~~

[The City of Sunset hereby adopts by reference, the Davis County Comprehensive Animal Control Ordinance, as amended, with the following exception:

- A. In addition to the number of permitted animals, one seeing eye, search and rescue or other aid dog may be allowed under the following circumstances:]
1. A conditional use permit is issued by the planning commission. In addition to the typical items considered by the planning commission for a conditional use, the following shall also be reviewed:
 - a. The location and size of any outdoor pens, runs or enclosures;
 - b. The owner's demonstrated ability to keep the additional animal in a clean and healthy environment, and in a manner that is not contrary to the general health and welfare of the citizenry;
 - c. The animals will be kept in accordance to all Davis County health and Davis County animal control requirements; and
 - d. The premises shall be subject to inspection annually by the community development department.
 2. The aid dog is certified to serve in the capacity intended by the independent and qualified agency. Aid dogs that are in the process of being trained shall have not more than six (6) months to become certified unless a longer period is granted by the planning commission. The certification of the aid dog is subject to inspection annually by the community development department. Failure to obtain the certification in the prescribed time period, and maintenance of it thereafter, shall result in the revocation of the conditional use permit[.]; and
 3. ~~The owner of the aid dog owns and was keeping two (2) dogs or cats or combination thereof prior to obtaining the aid dog.~~
- ~~B. If, after receiving a permit for the third animal, either of the two (2) noncertified animals becomes absent from the premises, for whatever reason, said animal shall not be replaced.~~
- ~~C. Show, hunting or other animals not trained and certified to give aid to the physically or mentally impaired, or serve in search and rescue efforts shall not qualify for the keeping of the third animal.~~
- ~~D. A dwelling may have a total of six (6) animals (not including animals listed in subsection A of this section) or fowl customarily kept within the home including, but not limited to, hamsters, guinea pigs, parakeets, canaries, etc. Said animals shall be for family use only and not raised for commercial purposes.~~
- ~~E. Animals normally associated with being kept outdoors and/or normally associated with agricultural areas such as horses, cows, goats, sheep, pigs, rabbits, chickens, ducks, geese or other farm animals shall not be allowed as household pets.~~

In summary, this would follow the Davis County Animal ordinance of allowing three dogs or cats in any combination and allow a resident to also have an aid dog after getting a conditional use. After some discussion it was decided to leave in section D as well so a limit

would be in place if there was ever a problem with a home containing too many of any other type of allowed animals.

- 5. Discuss the retirement of the Public Works Director:** Mayor Bangerter said Public Works Director Hennessee has worked for the City almost 30 years and is looking forward to retiring in March. There will be a lot of changes when he retires. He handed out a worksheet for their review showing an annual average of costs to the City when the building inspection duties were done by Clinton City versus what the City has saved with Director Hennessee do it. Last year the Council implemented a plan for the City to pay for a retiring employee's medical/dental insurance for one year if the employee worked for Sunset for 20 years and for 18 months if an employee worked for Sunset for 30 years. If Director Hennessee retires in March he will be one month shy of the 30 year mark and receiving 1 year and 6 months of paid insurance. Depending on the time, the insurance will cost the City between \$16,000 and \$25,000 per year. Mayor Bangerter received an email from Director Hennessee detailing a severance package proposal. He is asking to keep the City truck he now drives, which is a 2007 Chevrolet Colorado and valued at about \$15,000. He asked if the City would help him by purchasing retirement credit hours. One year would be about \$25,000 and 2 years would be about \$51,000. The position of Public Works Director was advertised in house and applications were received from public works employees Norm Noyes, Blaine Dickson, Corey Wilson and Joe Maylin. If Director Hennessee retires on March 1st, his vacation pay out will be around \$12,000. However, the savings to the City will be about \$18,000 for the rest of this budget year.

Council Member Andrews said Director Hennessee will receive his \$12,000 vacation pay out and a year of paid medical/dental insurance so he disagrees with giving him the truck and paying for any retirement credit hours. He believes the truck should go to the next Public Works Director. Mayor Bangerter said to keep in mind that during his almost 30 years, Director Hennessee has saved the City over \$800,000 by getting grants. He needs to find out what the Council wants to do; give him everything, something or nothing. He agreed, it is tax payer money, but the truck is already paid for so it would not cost the City any more and Director Hennessee has saved the City a substantial amount of money.

Council Member Furniss said he likes Director Hennessee, knows he has saved this City hundreds of thousands of dollars and has not met a smarter man in managing tax payer money, however he is also accountable to the tax payers. He has called many cities and found only two that give anything. One is a health savings plan and one uses the retiree's unused sick leave towards insurance premiums. They need to be careful not to set precedence. He would love to give Director Hennessee all he asked for, but how can they do the same for everyone? They have to be realistic. He feels paying for a retiree's insurance is huge for this small city. Right now the City policy is to pay one or one and a half years of insurance premiums for retirees, but how is that going to be funded in the future? If five employees happen to retire at the same time it could cost the City \$100,000 and that's fine, but if that money is not set aside, they are deceiving the employees. He would like to start setting money aside so the employees will have a certainty at retirement and it will create fairness. Council Member Andrews reminded everyone that in the near future they will have to be spending about \$1.25 million on a public works building and a new fire station. They

can't afford to give away a truck and does not understand why they are even considering this proposal. Council Member Furniss brought the subject back to the insurance issue and said realistically most retirees won't need a family plan. He would like to guarantee the retiree the medical/dental insurance and if they need a higher plan they could pay for the upgrade. The single plan is about \$31,000 for five retirees per year and the family plan is over \$84,000 per year. \$31,000 is realistic and still very generous. Council Member Peterson agreed with Council Member Furniss. Council Member Snow said if they give Director Hennessee what he has requested it will set precedence and they need to be careful with the taxpayer's money. Director Hennessee has been a great employee and a great return on the City's money, but the City just cannot do that much for everyone. Council Member Carlson said he does not agree 100% with the precedence statement, if it is based on merit. The City does not have a lot to offer him, but the truck is paid for. He has been thinking about it a lot and he would like to give him the insurance and the truck. Fire Chief Coker said if they can't do anything for Director Hennessee right now, he suggested looking into the future and deciding what it is going to take to keep people here for 30 years. Treasurer/Office Manager Youngdell asked if they would at least consider giving him the insurance for a year and a half if he retires only one month shy of 30 years. Mayor Bangerter suggested giving him the truck in lieu of the extra six months' insurance. Council Member Furniss said they keep talking about the truck not costing the City anything, but it will need to be replaced in the near future and that will be about \$30,000. He said retirement is the responsibility of the employee. Director Hennessee knows there is a policy in place that if he works 30 years, 18 months of insurance is paid for him. If he chooses to leave a year or a month prior, then there are consequences. He asked why it is the City's responsibility to make his retirement work when he's the employee choosing to retire.

Mayor Bangerter needed to know what they wanted to do. Council Member Furniss said no to the truck and yes to the 18 months insurance. Council Member Carlson said if he only takes one year of insurance, he is okay with giving him the truck.

The Council discussed the interim Director issue and it was decided Asst. Director Noyes would fill that position until they decided on a Public Works Director. They will also need to decide who will do the building inspector job when Director Hennessee has retired. It does not have to be the Public Works Director; it just needs to be filled and Director Hennessee is working on getting a Public Works employee certified now.

Mayor Bangerter clarified he is hearing that they should basically follow policy and not set precedence with giving more. The Council Members nodded their assent.

- 6. Discuss the procedures of payment from the Special District Boards:** He handed the time over to Council Member Snow because he asked for the item to be on the agenda. Council Member Snow listened to Syracuse Mayor Nagle, who said no one fights over the appointments that are not paid appointments so he talked to Mayor Bangerter about the City receiving the board payments and distributing them among the Council Members. Mayor Bangerter thought about this issue years ago because when he was a Council Member he was never chosen to sit on a board. Now when really looking into it has found out it is very complicated. Council Member Snow thought maybe they could raise all the Council

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Members' salaries and then take away from the Council Member the amount that was paid by a board to the Council Member sitting on the board. He believes that would take care of the tax issue. Council Member Furniss stated if the money paid to a board member was donated to the City and the money was used to pay the Council members, it would be double taxation. Also, when someone serves on a board they are compensated for their service to the board and they cannot be forced to donate it. The issue was discussed further and at the end, Council Member Snow said he is not going to pursue the issue; he only brought it up because some think it is all about the money.

Council Member Furniss made a motion to return to the regular session. Council Member Carlson seconded the motion. The motion passed unanimously.

Council Member Snow made a motion to adjourn. Council Member Carlson seconded the motion. The motion passed unanimously.

The meeting adjourned at 9:15 p.m.

These minutes have been read and approved at the regular City Council meeting held **February 21, 2012.**

Chad Bangerter, Mayor

Susan R. Hale, Recorder