

**Sunset City Corporation
City Council Minutes
February 16, 2010
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Minutes of a regular meeting held February 16, 2010 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

Mayor and Council Present:

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| Chad Bangerter | Mayor |
| Brent Andrews | Council Member |
| Cheyrl Budge | Council Member |
| Ricky Carlson | Council Member |
| Ray Chapman | Council Member |
| Ryan Furniss | Council Member |

City Employees Present:

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|--------------------|-----------------------------|
| Susan R. Hale | Recorder |
| Linda J. Youngdell | Treasurer/Office Manager |
| Ken Eborn | Police Chief |
| Mickey Hennessee | Public Works Director |
| Vicky Gold | Recreation Supervisor |
| Bruce Arbogast | Police Sergeant |
| Doug Garcia | Police Corporal |
| James Weston | Asst. Fire Chief |
| Norm Noyes | Asst. Public Works Director |

Excused:

| | |
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| Neil Coker | Fire Chief |
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Others Present:

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| Jason Gabbert | Planning Chair |
| Randy Feik | Planning Commission |
| Tena Hale | Planning Commission |
| Heidi & John Blaylock | Citizen Corps |
| Allyson Jackson | Citizen Corps |
| Jaime Meredith | Citizen Corps |
| Carlos Cortez | Pastor, Iglesia Emmanuel |
| Lorena Cortez | Winston Ramirez |
| Jose B. Reyes | Gene Jones |
| Nadean Gabbert | Joyce Hammer |
| Beverly Macfarlane | George Masotti |
| JD Bowns | Jacques Desir |
| Timothy Gittins | Scout Troop #157 |
| Matthew Tippets | Scout Troop #157 |

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

Mayor Bangerter led the Pledge of Allegiance and Pastor Carlos Cortez gave the invocation.

Approval of Minutes: Council Member Budge made a motion to approve the minutes of February 2, 2010 as written. Council Member Chapman seconded the motion. The motion passed unanimously.

Citizen Comments: There was none.

REGULAR SESSION

1. Legislative update by Representative Paul Ray: Representative Paul Ray advised the State budget is going to be about \$50 million shorter than they anticipated, but they had cut a little more than that to start off with so there shouldn't be any further cuts. Senate Bill 43 and Senate Bill 63 are dealing with the State employee retirement benefit. They will pass the Senate and go to the House, where the fight will begin. He believes they should not take action on the retirement yet because they don't know how the market will play out. If it goes into a task force, they can study it further and deal with it at the next session. Utah has been acknowledged for three years in a row as the best managed State in the Nation and is predicted to be one of the first states out of the recession. They need to focus on job creation and Falcon Hill is one of the items that will help with that. He opened the session for questions.

Council Member Furniss asked about the bill that requires Special Districts to hold an election for their board members, which would use up most of a smaller district's budget. Representative Ray does not support that legislation. The board selections are better left up to the municipalities. Council Member Furniss said he and a couple other Council Members met with Governor Herbert's Chief of Staff, who mentioned possibly introducing a bill to add another member to MIDA. Representative Killpack was supposed to help with it, but he is now gone, so Council Member Furniss asked what would happen with the bill. Representative Ray replied he would be happy to introduce a bill to add a member to MIDA.

Council Member Andrews asked about redistricting and if they planned to dip into the rainy day fund to help with the budget. Representative Ray said they used computer models based on population to do the redistricting in 2001 and nationwide there were only three states, of which Utah was one, that did not have a lawsuit against them on the subject. He anticipates it going smoothly again this time. The State will be using some of the rainy day fund and will also be depending on the tobacco tax increase.

Joyce Hammer asked why the ethic reform never passes and asked about their per diem. Representative Ray said the House passes it, but the Senate does not. They receive \$125 per day while they are in session for room, food and work missed. He personally loses about \$10,000 a year serving in the legislature and that \$125 a day does not reimburse his loss. They do need to be compensated or only the rich would be able to serve.

Fire Chief Coker asked about the portion of the retirement bill that would do away with the benefits for a fire fighter if he were to get hurt or killed on the job. Representative Ray said he had not studied it because it has not reached the House yet, but he will research it and email Chief Coker with his findings.

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Beverly Macfarlane asked if the legislature would be reducing their benefits. Representative Ray replied they would. Last year they voted themselves a 10% pay cut and denied their automatic pay raise for this year.

JD Bowns asked what has driven new bill on the Real ID Act. Representative Ray explained Senate Bill 63 last year put Utah in line with the Act. This year's bill is a direct reaction from the long lines at the DMV, but if it passes Utah could lose some Federal funding so they have to take a good look at it.

Fire Chief Coker asked about House Bill 113 on child booster seats. Representative Ray said they had it in his committee and he voted to put it to the floor, but he will oppose it on the floor. When they had the bill in committee, they had been given some wrong information. That is why he pushed it to the floor so that information would come out. He does not believe it will pass the House.

Police Chief Eborn said, at the law enforcement meeting he attends at the County level, Representative Ray is looked upon very favorably because he is very pro public safety and public employee in general and he recognizes that certain things have to happen to keep qualified people in the state and local government jobs.

Council Member Furniss asked his opinion on the bill eliminating the 12th grade. Representative Ray said he is opposed to that bill.

Mayor Bangerter thanked Representative Ray for coming and answering their questions. He asked if he would continue to support Sunset in gaining a seat on the MIDA Board. Representative Ray said the deadline for filing bills has past, but he will ask for special permission to open a bill file. If they are lucky they'll get it through this year and if not, they'll work on it through the summer and bring it back next year.

- 2. Discuss and appoint Planning Chair and Alternate Planning Chair:** Mayor Bangerter reported three Council Members voted no on appointing Commissioner Brad Weller to the Planning Chair at the last meeting. If he did not feel Commissioner Weller was right for the position he would not have asked that he be appointed. He cited Commissioner Weller's years of service on the Planning Commission and all he has done while serving as a Commissioner. The other Planning Commissioners also feel Commissioner Weller is right for the position of Chair. If the Council Members believe their decision was best for the City, he wants them to keep with their decision, but if it is a personal matter he would like them to reconsider their vote.

Council Member Furniss stated he values the Planning Commissioner's recommendations, however as Elected Officials they also have a vision of the direction they want the City to go. He was very disappointed with Commissioner Weller's comments to him after the last Council Meeting about resigning and reminded him that he voted to table the decision so he could talk with Commissioner Weller about some concerns he had about his commitment to the City. His decision was not a personal attack on Commissioner Weller, he just believes the Planning Commission needs a different Chair with a different direction.

Council Member Carlson agreed with Mayor Bangerter and said, regarding what Council Member Furniss said, he believes everyone says things they regret when something has surprised them and believes Commissioner Weller did just that. He believes Commissioner Weller is valuable to the Commission and the other Commissioners believe that as well. It seems to him, some Council Members' decisions may have been personal and not professional. If it is personal, he would like them to get over it and if it is professional to bring up their concerns so they can be discussed. He encouraged them to keep in mind what is best for the City. Council Member Andrews agreed with him.

Planning Chair Gabbert stated they appreciated everyone's comments. When the Planning Commissioners met, they believed Commissioner Weller was best for the Chair position. He has a lot of knowledge, does his research and would take the time to come to the City Council meetings so he knew what was going on in the City. Commissioner Weller has never told him he would like to resign even though his feelings were hurt and he was frustrated. With that, he again stated the Planning Commissioners' recommendation that Commissioner Weller be appointed as Planning Chair and Chair Gabbert as Alternate Chair.

Council Member Carlson made a motion to appoint Brad Weller as Planning Chair and Jason Gabbert as Alternate Chair. Council Member Andrews seconded the motion. The motion did not pass two to three. Council Members Budge, Chapman and Furniss voted no.

Commissioner Feik stated he made his choice for Brad Weller because he, Commissioner Hackett and Commissioner Hale have only been on the Planning Commission a short time and Commissioner Gabbert does not feel comfortable being the Chair. That leaves only Brad Weller with the most qualifications and best for the Planning Commission. The Chair cannot accomplish anything on his personal agenda because everything has to be voted on by the Commissioners. Not all of the Commissioner agree with some of the things Commissioner Weller does on his personal time, but they put those dislikes aside and based their decision on his qualifications. Mayor Bangerter asked the Commissioners to put the issue on their next agenda, discuss it again and bring back their recommendation.

- 3. Discuss donations and fund raisers for residents directly affected by the Haiti disaster:**
Mayor Bangerter had asked Jacques Desir, who is from Haiti, to come and explain a little about the life of the people in Haiti. Mr. Desir said he moved to the states when he was 33 years old. The rest of his family is still in Haiti and are all okay. His mother and brother lost their homes so they now live with his other brother whose house did not get ruined. His wife lost her aunt and has not heard from a couple of her cousins. The Haitian people struggle every day and now more than ever since the earthquake. He knows of only one other person in Sunset that is from Haiti. He just returned Friday from Haiti after volunteering with the Healing Hands.

Mayor Bangerter said there is a lot of money going to Haiti right now, so he suggested maybe helping the families in Sunset who were directly affected by the Haiti disaster. They could maybe do a fundraiser and get the Youth City Council involved.

Council Member Budge asked what they could do for his family. Mr. Desir said there is so much that needs to be done, but he does not know where to start. He is not really concerned about his family because he believes they will be okay, however he knows so many other people that are in really bad shape physically and everything. Council Member Furniss suggested maybe helping his mother come to the U.S. to see her grandchildren, which she has never seen. JD Bowns said he would give of his own money, but he would not approve of the City using tax money to give this kind of donation. John Blaylock reminded the Council, if they are going to do something for one family, they have to do the same for the other family living in Sunset. Mayor Bangerter advised Mr. Bowns that the City does have in their budget a certain amount of money for donations, which the Council watches closely and rarely spends the full amount, so they could give up to \$200. He asked if the Council would like to pursue this, turn it over to one Council Member to oversee or what. Council Member Budge suggested asking the Youth City Council to oversee it and Council Member Chapman said he would ask them if they would. Mayor Bangerter said they would go that way for now and if that doesn't work they will put it back on the agenda.

4. **Discuss the employment status of Recreation Supervisor Gold:** Mayor Bangerter explained when Recreation Supervisor Gold was moved from Director to Supervisor it was said it was a fiscal decision, but it did not save the money in that she kept her same hours, wage and benefits. The only area it saved the City was that she no longer drove the City vehicle to and from work. She now has more programs planned for 2010 and believes she has improved and knows she is held accountable. He asked that the Council consider reappointing her to Director so she is again a Department Head. It will also save Public Works Director Hennessee time because he would no longer need to supervise her. It can't be done at this meeting because some amendments need to be done to the ordinance, but the ordinance could be ready by the next meeting.

Council Member Andrews said he has worked with her a couple years with Sunset Sam and she does a good job so he supports the move. Council Member Carlson supports the recommendation. Council Member Furniss explained that when he said it was a fiscal decision it was because they were considering moving her to part time, but that didn't happen. She had impressed her in the interim and he supports reinstating her. Council Member Budge said she was always against the demotion, has also seen a lot of improvement and agrees with her being reinstated as Director. Council Member Chapman agreed with reinstating her. Mayor Bangerter asked Recorder Hale to draft the ordinance and put it on the next agenda.

5. **Resolution 2010-03 adopting the Sunset City Water Conservation Plan:** Public Works Director explained adopting a Water Conservation Plan is mandated by the State. Sunset City has been practicing this for the last five years, but it has to be formally adopted. The plan gives some history of Sunset, some details of the City's water supply, pricing schedule, operating costs, goals and common practices. It will be updated at a minimum of every five years and any time there is a major impact to Sunset or the water system. The Council Members praised Director Hennessee for his efforts on this plan and all he does. The plan will be posted on the website and advertised in other ways.

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Council Member Budge made a motion to adopt Ordinance 2010-03 adopting the Sunset City Water Conservation Plan. Council Member Furniss seconded the motion. The motion passed unanimously with a roll call vote. Council Member Furniss – aye, Council Member Chapman – aye, Council Member Budge – aye, Council Member Carlson – aye, Council Member Andrews – aye.

- 6. Request to purchase water radio read meters:** Public Works Director Hennessee said he emailed this request to the Mayor and Council so they would have time to research it and form an opinion. He explained the old meters can run as much as 50% slow and with the new meters, the Public Works Department can track a resident's water usage, detect leaks and read meters all year long. The \$35,000 for these meters will come out of the Public Works Capital Fund, where money is saved to pay for these types of big projects.

Council Member Budge made a motion to allow Director Hennessee to purchase \$35,000 worth of water meters. Council Member Carlson seconded the motion. The motion passed unanimously.

- 7. Council Member reports and general information:** Council Member Furniss stated he was glad Representative Paul Ray could attend tonight to answer questions and hopes he can help them with obtaining a seat on the MIDA Board. He advised the MIDA meeting has been cancelled again this month.

Council Member Chapman said he would present the Haiti cause to the Youth City Council and believes they will be thankful to have a project to do.

Council Member Budge acknowledged the Citizen Corps and CERT for doing a really good job. She also appreciates all the time and effort Director Hennessee put in on the Water Conservation Plan.

Council Member Carlson appreciates Representative Ray's opposition to the bill in which the special district board members would be elected instead of appointed. He feels if the Councils do not like the way their cities are being represented by a person they can remove them, but if the board members are elected the city is stuck with them for their term. He thanked the Planning Commissioners for attending and said he was disappointed with the Council's vote on their Chair. He encouraged the Commissioners to hang in there and try to overlook the Council's arrogance in their vote and for telling them their decision was wrong. He thanked Director Hennessee for his work on the Water Conservation Plan.

Council Member Andrews thanked the Citizen Corps members for attending tonight and encouraged other residents to join the Corps. He reported he received a nice plaque from RAB when he resigned. He would like to have a temporary electric meter set to use during the Sunset Sam Winterfest. Sometimes Rocky Mountain Power will donate power and he is hoping they will do that for the City during the Winterfest. He agreed with what Council Member Carlson said about the Planning Commission.

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Fire Chief Coker recognized three Sunset Fire Fighters who participated in the “Guns and Hoses” hockey tournament held in Salt Lake City. The money raised in that tournament was split between the Shriners Children’s Hospital and the family of Josie Fox, who was the Police Officer recently killed in the line of duty. Sunset raised the second most money of all who participated. The Fire Department is planning the Easter Egg Hunt and preparing for Fun Days. The Youth City Council has been passing out flyers for the Citizen Corps regarding Sunset on Watch.

Treasurer/Office Manager Youngdell thanked the Council for approving the water meter purchase because it helps streamline things in the office and helps them notify residents with leaks before they go on too long. The newsletters will be going out the first part of March and reminded them the newsletters are posted on the website, some are placed in the lobby for residents to pick up and some are mailed to those who have requested it. The Planning Commission meeting for this month has been cancelled because there was nothing to place on the agenda, so they will have to call a special meeting to address the Chair issue.

Public Works Director Hennessee reported the RAB Board chose a new Sunset resident representative, Bambi Gibson. Sunset had twelve applicants, where Clinton had zero and Hill AFB only had four. The 1800 North widening and overpass project environmental study has begun and he has a meeting to attend on March 1st at the UDOT Headquarters.

Treasurer/Office Manager Youngdell reported Recreation Supervisor Gold’s general information. She reminded the Council that tomorrow is Lunch with the Mayor. A Hunter’s Safety class will begin in March. The Fun Days Activity Committee is meeting regularly. Applications to produce the annual Sunset summer play are due at the end of the month.

Police Chief Eborn advised he has applied for a small equipment grant from the State and he is pretty sure they will receive it. He plans to replace or upgrade the remaining portable police radios they are using. They cost about \$2,200 each. With the grant and the discount he will receive from the store he will be able to replace four of them. He said there is a question on the semi-tractor parking ordinance. The way the ordinance reads a resident’s 10-wheel dump truck may not qualify for the permit. In asking staff’s opinion, the staff is split between believing the intent was to only allow long haul semi-tractors to be parked in residents’ yards and some believe dump trucks were overlooked when the ordinance was drafted. Gene Jones explained he received a ticket for it, tried to get a permit and was told he could not get one for his dump truck because the ordinance said it was only for semi-trailers. Mayor Bangerter and the Council decided to put this issue on the next agenda for review.

Council Member Furniss made a motion to go out of the regular session and into a work session after a five minute break. Council Member Chapman seconded the motion. The motion passed unanimously.

WORK SESSION

8. Discuss emergency preparedness: Fire Chief Coker introduced the Mayor and Council to the draft Sunset Emergency Operations Plan. The finished plan has to be approved by the City Council. The plan is required by statute to distribute the plan to several people and

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entities and it is required to be reviewed annually. A lot of grants will be tied to the plan. The final plan will be put on CDs. It only goes into effect when a disaster happens or whenever the Mayor, or City Representative in the Mayor's absence, calls for it to be. The plan was summarized and discussed. The possibility of the Davis and Weber Canal pond flooding the City in an earthquake was also discussed and it was decided to ask their manager to come to a Council meeting to discuss it with the Council. The plan outlines and contains forms that are required to be filled out in order to get reimbursement from FEMA. Some things that need to be addressed are how long the City could manage without any revenues coming in and how the City would have first right in a disaster to all the fuel, etc. from businesses in Sunset. Mayor Bangerter will find out if there is anyone from Riverdale City that would come to a Council meeting and discuss their flood, what they did that worked and what didn't work. The Council and Department Heads were asked to review the plan closely, suggest changes and add types of disasters they think of that could happen in Sunset. The plan will be put on the March 16, 2010 agenda for adoption.

Council Member Chapman made a motion to go back into the regular session. Council Member Budge seconded the motion. The motion passed unanimously.

Council Member Chapman made a motion to adjourn. Council Member Budge seconded the motion. The motion passed unanimously.

The meeting adjourned at 9:20 p.m.

These minutes have been read and approved at the regular City Council meeting held **March 2, 2010.**

Chad Bangerter, Mayor

Susan R. Hale, Recorder