

**Sunset City Corporation
City Council Minutes
February 21, 2012
Page 1 of 5**

Minutes of a regular meeting held February 21, 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
Ken Eborn	Police Chief
Neil Coker	Fire Chief
Mickey Hennessee	Public Works Director
Travis Carter	Fire Fighter

Others Present:

Terry Avondet	Citizen Corps
Alanna Ricketts	Jarold & Sherry Bailey
Jordan Anderson	Wesley Russell
Trew Jackson	Jacob Jackson
Damen Russell	Bryant Wilson
Steve Beatty	Joe F. Gurule

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

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

Approval of Minutes: Council Member Andrews made a motion to approve the minutes of February 7, 2012 as presented. Council Member Furniss seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Furniss made a motion to approve the vouchers for Davis County Government and Utah Local Governments Trust totaling \$55,450.00. Council Member Carlson seconded the motion. The motion passed unanimously.

Citizen Comments: Steve Beatty said he has lived in the City for about two years and only uses around 2,000 to 3,500 gallons of water per month. He knows the base bill includes water used up to 10,000 gallons. He had a leak for a couple of months, which increased his bill quite a bit. His opinion is that the leak was only for a couple of months and all the rest of the time he has been paying for water he doesn't use half of. He feels it should be like a bank and the water he didn't use could be in reserve and used during the time of his leak. Mayor Bangerter explained the 10,000 gallons is a standard set within the City and doing as he suggested would not be

fiscally practical. Council Member Carlson stated the money paid is not just for the gallons of water used, but also for the upkeep and repair of the water lines. Mayor Bangerter said there was nothing they could do at this time, but thanked Mr. Beatty for bringing it to their attention.

1. **Request to waiver the Sunset Room fees for Ned Shelley to display and sell his paintings as a fundraiser for the Parkinson's Disease Foundation:** Jarold Bailey said he talked with Mr. & Mrs. Shelley about the City being responsible for the paintings if something happened to any of them and they said they would not in any way charge the City for anything that happened to any of the paintings and if they need to sign a waiver they would. The two days reserved for the fundraiser are Friday and Saturday, May 4th and 5th. Mayor Bangerter said Mr. Bailey was here tonight to ask the Council if they would waive the fee for the use of the Sunset Room during their fundraiser.

Council Member Carlson made a motion to waive the Sunset Room fees for May 4th and 5th while Ned Shelley sells his paintings for the Parkinson's Disease Foundation. Council Member Furniss seconded the motion. The motion passed unanimously.

2. **Appoint Planning Commission Chair and Alternate Chair:** Mayor Bangerter explained this item is to appoint the Planning Commission Chair and Alternate Chair chosen by the Commissioners.

Council Member Furniss made a motion to appoint Tena Hale as the Planning Commission Chair and Brian Parker as the Alternate Chair. Council Member Andrews seconded the motion. The motion passed unanimously.

3. **Reappoint David Hackett as a Planning Commissioner for another 4 year term:** Mayor Bangerter said David Hackett has been contacted and has agreed to serve for another term.

Council Member Peterson made a motion to reappoint David Hackett as a Planning Commissioner for another four year term. Council Member Andrews seconded the motion. The motion passed unanimously.

4. **Council Member Reports and General Information:** Council Member Andrews recognized Council Member Furniss for saving \$2.5 million over the next 14 years by refinancing a North Davis Sewer District bond. Council Member Carlson clarified it was the whole North Davis Sewer District Board who saved the money for the whole county, not just Council Member Furniss for Sunset. Council Member Andrews proposed adopting some local rules and procedures, with one of them being if a Council Member wants to put something on the agenda, they should be able to do so without it being reviewed by the Mayor. He read sections of the Utah League of Cities and Towns handbook, "Unfortunately there are generally two personality types attracted to serve in public office; people who want to be involved and people who want to be in charge. Problems arise when you have too many of the latter personality types in wrong positions. While every local government official can be involved, not everyone can be in charge." "Within all forms of government, there is the flexibility to adopt local rules and procedures." "Another common cause of disagreement related to the above involves getting things on the council meeting agendas.

There have been many fights started over refusals to put things on the agenda or over having things reappear on the agenda that the council does not want to discuss. The solution to this is for the Council to adopt rules prior to any dispute arising and to live by the rules. In the absence of rules, the chair is going to control the agenda. If you don't take the time to adopt rules of procedure, you have no right to complain about how the chair runs the agenda." Therefore he proposed they adopt a rule of procedure that if a Council Member or Mayor wants to put an item on the agenda, they can do so. He does not know whether the Council wants to make it so two Council Members have to want the item placed on the agenda or not. He said Constitutional amendment 1 says that congress cannot establish a law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances. He asked how they can petition the government for a redress of grievance if they cannot get on the agenda. He believes it violates his and the other Council Members' constitutional rights by opposing what they want to talk about. They can talk about whatever they want to talk about if they adopt that rule of procedure. Council Member Carlson reminded him he is talking about whatever he wants right now during general information. Council Member Snow said he had actually been looking through the Utah League of Cities and Towns handbook and had copies made for each of the Council on adopting rules and procedures, which he passed out. In 2011 the Legislature passed a law mandating local governments adopt their own rules of procedure. The handbook gives several samples of the rules to help the cities and towns draft their own. Mayor Bangerter said they should all review these and they can discuss it at a future meeting. Council Member Andrews said they all took the oath of office and he does not believe they are following their oath by violating his freedom of speech.

Council Member Furniss stated the North Davis Sewer District has a very good bond rating; Standard and Poor's rates them as AA+ and Fitch rates them as AA, which is 2nd only to the State of Utah. The bond rating is so good because of the strong median household, strong liquidity levels with good coverage and strong reserve policies. People sometimes don't understand why their sewer rates are being raised when there is such a good reserve being held. They are required to have enough in reserve to still make their bond payments for a certain amount of time in the event of a catastrophe. The Sewer District tries to pay as it goes, but projects cost from \$10 million to \$40 million at a time. In June they will be asking for a \$1.00 rate increase because they are preparing for future growth costing \$80 million. He would like members of the plant to come to a Council meeting in April or May and do a presentation on the growth they are expecting. The Council also talked about taking a tour of the plant in May. Council Member Furniss believes Councils drafting their own rules of procedure is good because each municipality is different. He agreed that it is time they begin looking at it, but cautioned they don't tie their own hands so they will need to be careful. Mayor Bangerter advised the Council already traditionally uses some of the rules; they are just not written. He also believes they need to move forward with the rules. He hopes the Council does not feel he hinders their freedom of speech because he feels he gives much more freedom than some past Mayors. By being the Mayor, he gives up his right to vote, but he still gets to present and run the meetings. Council Member Furniss said everything he has ever wanted on the agenda has been put on the agenda. He also cautioned the ULCT handbook is a resource only and not law. The State code is the law.

Sunset City Corporation
City Council Minutes
February 21, 2012
Page 4 of 5

Council Member Snow said the only reason he wanted to bring up the rules of procedure is because he had read about it in the ULCT book; not because anyone has done anything wrong. He advised the Youth City Council will not be going to the Logan Conference this year because the conference is full. They will need to get their registration in during the first part of January next year. The CERT classes have been going on with about 13 people attending them. He was disappointed that only he showed up at the scheduled NIMS training last Saturday. He and the Blaylocks are getting discouraged. Mayor Bangerter said they all know the NIMS certification is important, but it is one of those things they put off too often. He asked Council Member Snow to continue encouraging them to get trained. Council Member Snow advised the next training is scheduled for March 10th.

Council Member Carlson thanked the scouts for attending the meeting tonight. He also thanked the Citizen Corps for the fun Murder Mystery dinner. He is looking forward to Ned Shelley's fundraiser for the Parkinson's Disease Foundation.

Fire Chief Coker clarified that NIMS training is federally mandated and the penalty is that the citizens can hold the Council responsible if the City is unable to get grant money or reimbursement funds from FEMA after a disaster.

Police Chief Eborn thanked Council Members Furniss and Snow and former Council Member Bridges for serving on the Sergeant Review Board recently. Brett Jamison was awarded that position and Bruce Arbogast has been given the position of Lieutenant. He said one of the two applicants could be chosen for the Sergeant position, but the other applicant was equally qualified and could have done the job. That is why it was so hard to choose one to give the position to. He will be leaving town for five days and Lt. Arbogast will be in charge while he is gone. He reported that Mayor Bangerter requested to attend the taser training and asked to experience a taser hit. He took it well.

Recorder Hale said she has been gathering rules of procedure from other cities as well and is waiting for South Weber's to give them as other references. Mayor Bangerter would like to get something put together and get it on the agenda.

Mayor Bangerter said he also attended the Murder Mystery dinner put on by the Citizens Corp. Jaime Meredith did most of the planning. It felt like they were in New York City and was very fun. He thanked everyone who helped with it. He advised there will be a "Great Utah Shake Out" on April 17th at 10:15 am, in which Utah will have a 7.0 earthquake scenario. They were hoping to get 700,000 registered to be involved. They currently have 638,000 registered and it won't be held until April so there is great participation. The University of Utah will be participating. Prior to the Council meetings through April, he will be showing little segments of preparation for it. The Department Heads will be planning for it and when they have it mostly planned there will be a work meeting to lay it all out. He encouraged everyone to become involved. He did get tased, it hurt and he did swear. It felt like his full front area was going to explode outward. He could still think, breathe and knew what was going on. It is a great alternative to deadly force. He commended the Chief and Council for promoting the tasers years back. He appreciates the Council's hard work.

Sunset City Corporation
City Council Minutes
February 21, 2012
Page 5 of 5

Council Member Furniss, because they will be discussing the budget soon, asked Chief Eborn to explain about the assessment paid for the Davis County Strike Force. Chief Eborn said the Davis County Strike Force works certain kinds of drug cases for cities that do not have the funds or manpower to do and the assessment is paid by cities based on population. Sunset currently pays \$2,700 per year, which is a steal compared to some cities that donate officers. The ratios are out of line and they are proposing a 25 cent per person per year increase over the next five years. If this happens, it means the amount Sunset would pay would increase a little each year until at the end of five years it would pay \$8,900 per year. For what they do, he believes that is still a good deal. Mayor Bangerter said they will give them the actual amounts when it is all decided, but there will be an increase. The Task Force also runs on a lot of federal grants, but that money is drying up.

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

The meeting adjourned at 7:45 p.m.

These minutes have been read and approved at the regular City Council meeting held **March 20, 2012.**

Chad Bangerter, Mayor

Susan R. Hale, Recorder