

**Sunset City Corporation**  
**City Council Minutes**  
**March 2, 2010**  
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Minutes of a regular meeting held March 2, 2010 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

**Mayor and Council Present:**

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:**

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Vicky Gold	Recreation Supervisor
Joe Maylin	Public Works
Bruce Arbogast	Police Sergeant
Bret Jamison	Police Corporal
Duane Arbogast	Police Officer
Firefighters: Jerermy Kaufman, Holly Rossander, James Weston, Peydon Vanhoff, Landon Roach, Justin Arbogast, Dan Nelson	

**Excused:**

Mickey Hennessee	Public Works Director
Neil Coker	Fire Chief

**Others Present:**

Jason Gabbert	Planning Chair
Gene Jones	Robert & Lynda Bremer
Nadean Gabbert	Joyce Hammer
Susan Andrews	Clifton Jensen
Lori Eggleston	Julie Hansen
Billy Weiss	Tiffany Arbogast
Eric Call	

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

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

**Approval of Minutes:** Council Member Furniss made a motion to approve the minutes of February 16, 2010 as written. Council Member Budge seconded the motion. The motion passed unanimously.

**Citizen Comments:** Gene Jones said he was there to see if the ordinance can be amended so he can obtain a parking permit for his dump truck. Mayor Bangerter said they would be addressing that during agenda item number three and he would be welcome to add any comments then.

Joyce Hammer said she read the article in the newspaper regarding the Council Members talking to the City Attorney and she feels the Council Members should meet and the Mayor should talk to the Attorney; not just everybody helter skelter. She does not want her taxes raised to allow the Council Members free reign with the Attorney. Mayor Bangerter said they would be addressing that during agenda item number <sup>1</sup>~~four~~[four] and she would be allowed to add any further comments then.

Mayor Bangerter recognized all the people in the audience tonight. There are many Police Officers and Fire Fighters.

### **REGULAR SESSION**

**1. Ordinance 2010-02 amending Sunset City Code Section 1-7-1.A; Title 1, Chapter 7D; and Section 7-1-2 regarding the position of Recreation Director:** Mayor Bangerter stated this issue was discussed at a prior Council meeting and this ordinance would allow the Recreation Supervisor Gold to be appointed as Recreation Director. Section 7-1-2 was discussed and the Council decided to leave it as written.

Council Member Budge made a motion to adopt Ordinance 2010-02 amending Sunset City Code Section 1-7-1.A; Title 1, Chapter 7D; and Section 7-1-2 regarding the position of Recreation Director. Council Member Chapman 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.

**2. Appoint Recreation Director:** Mayor Bangerter stated he would like to appoint Vicky Gold as the Recreation Director.

Council Member Chapman made a motion to appoint Vicky Gold as the Recreation Director. Council Member Budge seconded the motion. The motion passed unanimously.

**3. Discuss Sunset City Code Section 6-1-6.B.4 regarding Sunset resident operated semi-trailer parking at operator's place of residence:** Mayor Bangerter stated this was brought before them at the last Council meeting and they need to decide what the intent of the Council was regarding the word semi-tractor when they passed the ordinance allowing semi-tractors to park at the operator's residence. One concern was that dump truck drivers might bring in loaded trucks and it was decided the dump trucks would have to be empty. The general consensus was that commercial dump trucks are the same as semi tractors with beds on them and was just overlooked when the ordinance was adopted. They also discussed what other types of trucks they may need to incorporate into the ordinance. After further discussion, it was decided this issue needed more research.

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<sup>1</sup> Amended during the Council meeting of March 16, 2010.

Council Member Furniss made a motion to table this item until they can fully research the issue. It was suggested to define the intent of the word 'semi-tractor' and allow Mr. Jones to obtain a permit. Then they could amend the ordinance when they've had more time to complete the research. After more discussion Council Member Furniss withdrew his motion.

Council Member Furniss made a motion that the word semi-tractor is understood to include vehicles such as unloaded dump trucks. Council Member Carlson seconded the motion. The motion passed unanimously.

**4. Ordinance 2010-03 amending Sunset City Code Section 1-7C-2 entitled Legal Advisor:**

Mayor Bangerter explained the whole purpose for this amendment is so the Mayor is made aware of the items being brought before the City Attorney. In the past, items have been brought before the City Attorney by a Council Member and the Mayor never heard about it until he received a copy of the bill. This amendment is in no way trying to take away the rights of the Council Members to speak with the City Attorney. The Council Members may also contact the Utah League of Cities and Towns Attorney, David Church because the City is not charged for those calls. When he cannot be specific to Sunset City's needs, the Council Member is then asked to run the item before the Mayor before contacting the City Attorney. That helps to save the City a little money in that if the item has already been discussed with the Attorney, the Mayor or City staff can give the Council Member the information. That way it won't cost the City again for information already obtained. Mayor Bangerter read the ordinance while pointing out the changes suggested and opened the item for discussion.

Council Member Furniss stated he was elected to represent the citizens and make decisions based on facts. He feels he has the right to go to the City Attorney whenever a question arises. He conducted some research and found that Sunset City is paying a whole lot less for a City Attorney than the other cities he contacted. None of the other cities have a policy stating the Council Members have to get permission from the Mayor to seek legal opinion, but they do have a 'gentleman's agreement' and he is willing to make that concession; that the Council Members will include the Mayor in getting legal opinion. He brought up an Election issue, an employee firing issue and an ordinance issue where he felt he had to get a ruling from the City Attorney. Another solution he suggested was to change the ordinance amendment to allow the Council Members to notify the Mayor or Mayor Pro-Tem within 24 hours of seeking legal advice. He agreed there were times City staff was not contacted immediately, but there was not time when he had a neighbor who called him facing being a criminal, so he contacted the City Attorney who told him he would get back to him. Another option was to allow two Council Members concurrence to obtain legal advice because there are times the Council may want to seek legal advice and the Mayor does not. He believes this is like telling him he cannot go to a Department Head when he has a question, that it is an abuse of power and a separation of the Council Members' right. The Council Members are the ones who make the motions and decide what laws get passed.

Mayor Bangerter stated this concern was brought to him by several people including Council Members. He reported all of the issues brought to the City Attorney by Council Members

since 2008 were from Council Member Furniss except for one. He understands Council Member Furniss is excited about what he is doing and he is not trying to take away his right to speak to the City Attorney. However, it does bother him that over \$500 was spent trying to decide if chickens were allowed in the City, especially since everyone he talked to knew they were not. If that question would have been brought to him he would have asked Council Member Furniss to talk to himself, the Council and Police Chief Eborn about it to come to a conclusion. He does not believe this was one of those items that had to be known immediately. All he is asking is that he be made aware of the issue; he will not deny a Council Member's seeking legal advice. He just wants to make sure the City is not paying again for something that has already been addressed. A debate ensued between Council Member Furniss and Mayor Bangerter.

Council Member Chapman said a lot of issues that have gone to the Attorney never get reported back to the Council. Another Council Member may have the same question and also go to the Attorney because the first Council Member didn't tell them he already got the answer. He would like to see the ordinance amended so a Council Member has to talk to the whole City Council before going to the Attorney. Also, he does not worry about Mayor Bangerter, but he does worry about a future Mayor getting elected who may abuse it. Council Member Furniss said he believes he has gone to the Attorney more than anyone because he is proactive and puts items on the agenda and the other Council Members don't very often. Council Member Carlson suggested a line of order such as going to the Mayor, the Council, the League Attorney and then the City Attorney. The biggest problem seems to be information exchange. Council Member Budge believes the City has great resources in the Department Heads and Appointed Officials. Any time she has asked a question of any of them, they researched it and got back with her if they didn't know the answer. She is sure the Mayor would go to them if he had a question. She believes it is a bad idea that they can just pick up the phone and talk to the City Attorney because from the minute he answers the phone, the City is being charged. The Council discussed issues with talking to the League Attorney and the different ordinance amendment suggestions or gentleman's agreement.

Mayor Bangerter said the intent of this item was to save the City money and see that things were being done in an organized fashion, so he asked for discussion on how to solve this issue. Ordinance amendments were discussed and decided upon.

Council Member Furniss made a motion to leave paragraph A as it originally read and change paragraph B to state, "The City Attorney shall advise any City Council Member on such legal questions as may arise in relation to the business of the City when the Council Member has first consulted the Mayor, or Mayor Pro-Tem in the absence of the Mayor, unless the legal question is regarding the competency of the Mayor." Council Member Chapman 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.

- 5. Council Member reports and general information:** Council Member Furniss asked about the Water Conference. Council Member Carlson will be attending the conference and he has opted out of the Salt Lake Utah League of Cities and Towns Conference in order to save the

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City some money. Council Member Furniss said he is thankful they were able to put the previous agenda item to rest. He said Mayor Bangerter had asked him for any documents he has collected on the North Davis Sewer Board and MIDA, but he believes his reporting on what happened with each board should suffice. Mayor Bangerter clarified that he would like the Council Members who are on Boards along with himself to bring back the information they receive and put it in a book so anyone wanting to know what is going on could look at it. It may also help future Mayors and Council Members to be able to see what has happened in the past. He thought about doing this because MIDA is such an important issue for the last two years and he has nothing to look at to see what has been going on.

Council Member Chapman advised the Youth City Council is trying to decide on a fund raiser to help the Sunset citizens who were affected by the Haiti earthquake and will take suggestions. He thanked the citizens present for speaking their mind because they need their input. He congratulated Recreation Director Gold on her appointment.

Council Member Budge said she is glad Director Gold is back in the position. She appreciated the big turn out in the audience. She asked if Fire Chief Coker had heard back from Representative Paul Ray on the fire fighter benefits. No one knew if he had or not, but Council Member Furniss answered that the Legislature is negotiating on the years that need to be worked before a public safety employee can retire and any employee hired after July of 2012 would not be eligible to be retired in place. Council Member Budge stated she has been a Council Member for six years and in the beginning she felt she was a part of the Council and knew what was going on, but for the last two years she didn't feel like she knew what was going on because there was no communication. She would be grateful if the things one was working on would be communicated to the rest of the Council. She has appreciated the emails during the last little while. Mayor Bangerter asked to also be included in the emails.

Council Member Carlson said he appreciates being able to attend the Water Conference. The last few Development Review Committee meetings have been canceled. The Mosquito Abatement District is building a new pesticide storage facility at the Ogden Airport and will be finished in a couple of months. He congratulated Director Gold on her appointment, the Police for their hard work and Mayor Bangerter for his communications and keeping them in the loop.

Council Member Andrews said he met with Utah Associated Municipal Power Systems (UAMPS) in Sandy this morning to gather information. He attended an unemployment fair and received a lot of good information. He has joined the Red Cross in Ogden and encouraged the residents to do the same. He congratulated Director Gold. He believes they need to come up with more money making ideas for the City so the employees can be paid what they deserve.

Assistant Fire Chief Weston reported the Fire Department is preparing for the annual Easter Egg Hunt. Mayor Bangerter said they are also planning a mock disaster in the house the City owns that has been used for fire training and now also for Citizen Corps training. The house has been a great asset to the Fire Department for training and he asked that the Fire Department keep it maintained so as not to become an eyesore.

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Recreation Director Gold thanked the Mayor and Council Members for giving her title back to her. She reported Lori Eggleston will be producing the 2010 Community Play and it will run June 25<sup>th</sup>, 26<sup>th</sup>, 28<sup>th</sup>, 30<sup>th</sup>, July 1<sup>st</sup> and 2<sup>nd</sup>. The title of the play is "We the People, the Musical" and tryouts will be held at the end of March. The Hunter Education class will begin on March 30<sup>th</sup> and they will also be conducting a concealed weapons class for those who want it. Skate board lessons will begin on April 24<sup>th</sup>. Adult soccer and t-ball will begin in May and the t-ball teams will also be playing the Clinton teams. The Layton Christian Academy will be using the softball field for their girl's fast pitch softball league. It does not affect Sunset's schedule, they will be paying for the use of the field and Sunset will prep the field. She will be attending a Parks and Recreation Conference in St. George April 7-10. The 2010 Recreation booklet is almost done so it will be passed out soon. She is preparing to hold a sports camp for three and four year olds because she has been receiving a lot of calls for programs for that age group.

Public Works Employee Joe Maylin reported that three fourths of the radio read meters are in and half of them are installed. UDOT held the first official meeting on the 1800 North railroad overpass was held yesterday and they mostly discussed the car count, the bridge probably needing to be wide enough to accommodate a 5-lane street and they will probably need to do the I-15 interchange around the same time. They did not set a time frame, but said the project would need to be done by 2016.

Treasurer/Office Manager Youngdell explained the Mayor and City Council attend meetings and conferences and they like to be identified by their shirts so she will be ordering shirts shortly. The City will pay for the first shirt and the Elected Officials will need to pay for any additional shirts they want. The City is looking for a coordinator for the Community Garden this year. In Department Heads meeting they talked about charging a minimal fee to cover water usage. Mayor Bangerter said if they only allow low income families to have a plot, there shouldn't be any charge.

Police Chief Eborn reported the Police Department received a grant in the amount of \$7,500 to purchase radios. He has applied for a grant from ADTEK, which is a division of the State that keeps a portion of the fines from DUIs to give to police agencies to purchase equipment. He has a \$3,500 car camera and a \$400 portable breath tester coming. Mayor Bangerter hopes the citizens realize these grants help the City to keep the tax rate down. Also, the Department Heads apply for these grants where a lot of cities have paid grant writers so that helps keep costs down as well.

Recorder Hale reminded the Council and Department Heads budget time is coming up.

Mayor Bangerter read a letter he received from the Utah Highway Patrol thanking Officer Arbogast for volunteering to handle a two car crash on I-15 when one of their Troopers had been hit by a car and taken to the hospital. He reported that Wasatch Integrated Systems is the number one burn plant in the western United States for efficiency. It produces steam for HAFB and the methane gas is used to run some generators at the plant and at HAFB. That is a great advantage when HAFB is put on the closure list. Also, the burn plant has had no EPA

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violations in eight years. When he was campaigning, he found that a lot of residents were mad about the weeds and junk in yards. The Police Department will be heavily enforcing the weed and junk ordinance this summer. He thanked the residents who attend the Council meetings for their involvement. The residents expect certain things from the City and they try their very best to give the residents uninterrupted service. If anyone has any comments his door is always open and if residents send in complaints he asked that they put their name on them because it does him no good at all when he can't address the problem with them.

Council Member Andrews stated the residents can find out information on the transportation corridor online at [www.udot.utah.gov/westdavis](http://www.udot.utah.gov/westdavis).

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

The meeting adjourned at 8:15 p.m.

These minutes have been read and approved at the regular City Council meeting held **March 16, 2010.**

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Chad Bangerter, Mayor

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Susan R. Hale, Recorder