

Sunset City Corporation
City Council Minutes
March 20, 2012
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Minutes of a regular meeting held March 20, 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
Bruce Arbogast	Police Lieutenant
Brett Jamison	Police Sergeant
Doug Garcia	Police Corporal
Corey Wilson	Public Works
Joe Maylin	Public Works
Marcus Garcia	Public Works/Recreation

Fire fighters: Jason Earl, Landon Barker, Mindy Garretts, Jennifer Fuentes, Chad Nelson, Kaylyn Michaels, Amy Kippen, Travis Carter, A. Bott, J. Kaufman

Others Present:

Terry Avondet	Citizen Corps
John Blaylock	CERT
Allen Burch	CERT
Allyson Jackson	CERT
Lisa Wilberg	CERT
Bonnie Loomis	CERT
Naunie Adams	Stephanie Stewart
Ray Chapman	

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

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

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of February 21, 2012 as presented. Council Member Peterson seconded the motion. The motion passed unanimously.

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Approval of Vouchers: Council Member Carlson made a motion to approve the voucher for Zions Bank in the amount of \$93,788.04. Council Member Furniss seconded the motion. The motion passed unanimously.

Citizen Comments: Terry Avondet stated she is very thankful for the Police Department. Once again Officers Duane Arbogast and Bob Higdon came to the aid of one of her family members. Even though her son is an adult, when something happens to his car it is heartbreaking to him. The officers stayed with him until his dad and a tow truck got there. Sunset is a small city and she feels the residents are very lucky to have such a high caliber police force. Their dedication to this city is very admirable and she feels a lot safer knowing they are out there. She asked that people take the time to thank them when they see them.

Naunie Adams said she has heard there will be a discussion on overnight parking. As a citizen who walks when it is dark, she does not want the ordinance changed because she likes to be able to walk down the street without fear there may be someone hiding behind a car parked on the street. If she forgets, leaves her car parked on the street and gets a ticket, she believes that is her fault. She believes it would be more detrimental to her safety to have cars parked on the street at night. She believes non-residents of Sunset already have a negative view of Sunset because of its economic base and believes cars parked on the street all night makes the City look worse.

Isaac Westbrook stated he sees no harm in parking on the street overnight because the time it is not allowed is only from 2:00 am to 7:00 am. He does not believe people walking at 2:00 am is a viable argument. Mrs. Adams clarified she walks at 5:00 am. Mr. Westbrook related his experience where he parked on the street, didn't bring in his car and got a ticket. He didn't know there was an ordinance and came to the City to discuss it at 2:00 pm as the ticket stated and was told court didn't start until 3:00. He couldn't stay so he left. Later he received a notice stating he now owed \$70 all because he left his vehicle on the street. The ordinance made him feel like he was victimized by his own City. He does not see the issue because people can hide behind vehicles in driveways just as easily.

Mayor Bangerter clarified this item would be on the next Council agenda.

- 1. Recognize CERT graduates and CERT instructors:** John Blaylock read the seven names of the CERT graduates and handed them their certificates. They were congratulated by the Mayor and Council. Fire Chief Coker then recognized the hard work and time volunteered by the CERT instructors, handed them a letter of appreciation and a candy bar. They were also thanked by the Mayor and Council.
- 2. Discuss Utah League of Cities and Towns conference and possibly approve opening the budget to fund expenditures to attend the conference:** Council Member Furniss explained the Utah League of Cities and Towns provides help to the municipalities through legal advice, training and being a lobbyist for the municipalities with the Legislature. They hold two conferences each year and that is where the Mayor and Council receives their training. One in the spring in St. George and one in Salt Lake City in the fall. The Council has chosen to exclude most training from the budget in all departments for the last two years. Due to some money becoming available they don't normally have, the Council feels it could

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benefit from the ULCT training. He has also found the State Code states, "The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter." The chapter is the open and public meetings act. The Council has not received any training on this act in the last two years. They get this type of training during the conferences. He believes at least the newly elected Council Member Peterson and Council Member Snow should attend the spring conference. Due to the number of years the rest of them have not gone, he believes they should also send any others who would like to attend. The conferences also provide invaluable networking with professional people who can provide their services, contacts or information. He opened it up for discussion.

Council Member Carlson said he has had training on the open and public meetings act through the Davis County Mosquito Abatement District so he doesn't need it. Council Member Furniss said the North Davis Sewer District does not provide it and Mayor Bangerter said Wasatch Integrated touches on it.

Mayor Bangerter said Council Member Furniss is correct in that 2010 was the last time they all attended a ULCT conference. The conference in St. George is the mid year conference and the annual conference is in Salt Lake City. The annual conference is less expensive to attend and may be more beneficial because it is longer and more intensive. Council Member Peterson and Council Member Snow have recently attended the newly elected officials training, prior Council Member Budge attended the mid-year conference in 2011 and reported back to the Council what she learned. Council Member Furniss attended a water conference in 2011, but they did not do anything on the open and public meetings act. The money Council Member Furniss referred to earlier is an insurance credit, but there are some revenues that are not coming in as high as expected so he is a little concerned that the City may fall short at the end of the year. He would like to wait and put money for the annual conference in the fall in next year's budget. If it is decided to have the new Council Members attend the conference next month, he would like a veteran, either himself or another Council Member, to go with them to show them around.

Council Member Snow believes training is very important not only for the Council, but for the employees as well. They have also cut back on training and it needs to be put back in the budget. So much changes with the Legislature that training is important every year. Council Member Furniss agreed saying some of the staff will lose their necessary certifications if they aren't able to attend trainings. Mayor Bangerter also agreed and clarified the Council did not cut their trainings; the Department Heads saw it as a way to cut costs and it is coming back to nip at them a little bit. He believes they can come up with a little of the money for the ULCT conference if only a few Council Members go. Council Member Furniss believes some of the costs could be cut, like the hotel could be a cheaper one and the City does not have to pay for the spouses' registrations.

Council Member Furniss made a motion to open the budget and fund any Council Members and/or the Mayor who want to go to the ULCT spring conference. Council Member Andrews seconded the motion. The motion passed unanimously.

It was decided Council Member Andrews, Council Member Snow and maybe Council Member Furniss would attend the conference.

3. **Discussion and possible approval of authorization for Public Works Director Hennessee to get bids for a glass vestibule in the Sunset Room and other possible repairs:** Mayor Bangerter said a few months ago Council Member Andrews presented him with a couple of bids on constructing a glass vestibule inside the Sunset Room, but the bids were incomplete; there were no drawings. The estimates received were from \$4,000 to \$6,000. Some felt the vestibule at 84 inches inside the room would not be a good use of space. The bridge leading up to the Sunset Room is starting to rust because of the salt used to de-ice it. Public Works Director Hennessee has already put money aside to repair it and he would also like to put a canopy over the bridge area to eliminate the use of salt and extend the life of the metal structure. He would also like to heat the steps for the same reason. There are no bids for that type of structure yet.

Council Member Furniss said snow blowing through the doors is a big problem. He would like to get bids on both options mentioned for the budget process. The Council would then be able to discuss them and make a decision. Mayor Bangerter said upgrading to more efficient doors would be the least expensive way to go. Council Member Andrews asked if solar energy for heating the steps had been looked into and it was answered that it had and it would require a battery system. Both options were discussed some more and it was decided to add replacing the front doors to the bid.

4. **Discussion and possible approval of employee bonuses:** Council Member Furniss passed out a sheet containing three amounts for his proposition on employee bonuses. He explained the employees received a raise in 2008 to try and boost them up to the surrounding cities' standards. Due to the economic state of the City, they have not received any increases except their health insurance increases since. The City's liability insurance was bid out this year and the rate subsequently decreased substantially. The medical insurance premiums are paid at 100%, except for the two employees hired after July 2010 who pay 20% of their insurance. The City has received a credit of \$77,000 from PEHP. Add to that the liability insurance reduction of \$20,000 and it totals \$97,000. There are three months until the end of the budget year and they may need that money to balance the budget. He said he would not vote for a tax increase this year. However, they now have this \$97,000 they were not counting on. He knows some revenues are not coming in as expected, but at what point do they give back to the employees that do so much for the City. He sees this as an opportunity to say thanks. That money could build a bowery, buy a new restroom at the park, etc. but what better thing to put it towards than the employees. Morale has been down due to the issues of the Council and they are on edge wondering what is going to happen. He wishes they could give the employees a raise, but due to the state of the budget, they cannot do it. However, he can see a chunk of money they can say thank you with and give them a bonus. He recommended giving the Department Heads \$2,500, the full-time employees \$1,000, the part-time employees \$500 and the volunteer fire fighters \$200. With adding retirement benefits and taxes it would cost the City a total of \$46,300. To him that would be the best investment. The reason the City is getting the health insurance credit is because the employees have used

less health care. State law says if the employees were paying the premiums, they would have to give the credit back to the employees. He opened this up for discussion.

Council Member Snow said Farr West City just gave its employees a \$1,000 bonus due to a health care credit and the Council's appreciation for their frugal use of health care. He believes it is important to reward the employees because of their lack of raises in the last few years and because morale is down, but he also believes they need to be cautious. They don't know how this year's budget will end up so he would feel better about setting aside the lower proposed amount of \$1,000 for Department Heads, \$500 for full-time, \$250 for part-time and \$150 for volunteer fire fighters. Then when they get the final figures on the budget, if that money is not needed for the budget, it would be given to the employees.

Council Member Andrews also believes the lower amount should be given, but also that the Department Heads should be given the same amount as the full-time employees; \$500.

Fire Chief Coker said this is the first time he's seen these figures and he disagrees with the fire fighters being given less than part-time because they are also part-time and donate a lot of their own time to this City.

Mayor Bangerter said he has to make the Council aware that they don't know what the budget is going to be like at the end of this budget year. They have received a good credit, but court costs are down and could come in at \$70,000 below budget. Also, they budgeted to receive \$33,000 for the sale of a City-owned house and it has not been sold. This means they may be \$80,000 to \$100,000 short in those two areas. He would love to give the employees a bonus, but he sees this insurance credit as a blessing because of the other shortfalls. He is also concerned about preparing for the 1800 North development, public works building and fire station. They need to start setting money aside for that. If the Council wants to move forward with this bonus, he highly recommended using the lower figures. If the budget comes in around \$80,000 short, it will be close but they can make it work. This one time bonus is great, but a merit raise would be better for full-time employees because it helps with their retirement. He cannot guarantee a merit raise, but they will need to start looking into it.

Items discussed extensively were different bonus amounts, whether to give the bonuses now or wait until they see how this budget turns out, giving bonus now vs. slight possibility of merit raises, reinstating the Police Secretary to full-time and giving the bonus in two parts.

Contingent upon the budget numbers coming in at the end of the fiscal year, Council Member Furniss made a motion to approve \$1,000 for Department Heads, \$500 for full-time and \$250 for part-time and volunteer fire fighters with the caveat that in three months if numbers come in they give the other half to equal \$2,000 for Department Heads, \$1,000 for full-time and \$500 for part-time and volunteer fire fighters. Mayor Bangerter clarified that would raise the lowest total to \$27,963 plus a little more for taxes, which is almost \$30,000 and getting up there where he would be concerned, but he believes they can make that work. Council Member Andrews seconded the motion. The motion passed 3 to 2. Council Member Carlson and Council Member Peterson voting no because they believe this should wait until they see how the budget turns out. The bonus will go into effect this pay period.

5. Discuss suggested policies and procedures for the City Council: Council Member Snow passed out a handout detailing the changes he proposed for Ordinance 1-6-3: Meetings, Procedure and Conduct; Voting. Following are the changes and additions agreed upon: 1) add A.2.c. A majority of the City Council is needed to cancel any regular City Council meeting.; 2) E. Notice of Meetings: change “This public notice shall be given at least five (5) days prior to any meeting.....” to change “This public notice shall be given at least four (4) days prior to any meeting.....”; 3) add “G. City Council Meeting Agenda: All meetings of the City Council will have a notice and agenda that complies with the Utah Open Meetings Act. An item may be placed on the agenda by the Mayor, City Manager (Administrator), or at the request of any Council Member. Agenda items must be submitted to the City Recorder at least five (5) days before the date of the meeting. Any item that is submitted to the City Recorder after that time will be put on the next following meeting agenda. The City Recorder shall notify the Mayor of the added agenda item.”; 4) change prior paragraph “G” to “H” and add “Role of the Mayor as Chair and others at Council meetings: The Mayor shall preside at meetings of the City Council and participate in discussion of all matters. The Mayor shall vote as a member thereof only in case of a tie or where otherwise specifically authorized to do so by state law, and shall have no power to veto. In addition, the Mayor, as the Chair, has the primary responsibility for ensuring that the Council’s rules of procedure are followed and for maintaining the dignity of Council meetings. The Mayor calls the meeting to order and confines the discussion to the agenda. The Mayor recognizes Council Members for motions and statements and may allow audience and staff participation at appropriate times. The Council requires the Mayor to have knowledge of the City’s adopted rules of parliamentary procedure and how to apply it. The Mayor is to ensure that the Utah Open and Public Meetings Act is complied with. The Mayor should know how to courteously ensure those who have the floor are not interrupted and to rule out of order those not following meeting procedures. The Mayor will recognize the Council Member offering the motion, restate the motion, ask for a second and, if a second is granted, the Mayor shall present it to the Council for consideration. There can be up to three motions on the floor at the same time and no more than three. The Mayor can reject a fourth motion until the Mayor had dealt with the three that are on the floor and has resolved them. Then the Mayor calls for the vote, announces the vote, then announces the next order of business.” (plus add the procedure out of the ULCT handbook); 5) Add “*Public Comment. There shall be on every agenda of the City Council an item entitled “public comment.” The public comment portion of the meeting shall be limited to the public speaking to the council on any item not on the agenda. Members of the public shall be free to express any idea, question, or view point without limitation except for time and the manner of the presentation. Individual members of the public shall be limited to three (3) minutes time. The Chair of the meeting shall ensure that the public comment is civil and orderly. The Chair shall use its best efforts to allow the free expression of the public and keep the meeting in order. Council members should not interrupt, argue with, or otherwise interfere with any comment by a member of the public. The Mayor and City Council may ask clarifying questions of the member of the public making a presentation and other members of the public may ask clarifying questions of the presenter at the discretion of the Chair. * Council member Participation. At regular meetings of the City Council, Council members shall speak only after being recognized by the Chair. Any meeting designated as a work meeting shall be more informal and Council Members may freely participate as long as proper decorum is maintained. Council members

shall conduct themselves at all times with decorum and respect. They shall refrain from making any disparaging remarks concerning any other member of the governing body or the public. Any member of the Council wishing to speak on any item on the agenda shall be recognized by the Mayor to do so. * Meeting Adjournment. Meetings of the City Council, as a goal, shall be scheduled to end at or before 10:00 p.m. and the Mayor and City Council shall use their best efforts to conclude the meeting in a timely manner. However, no motion to extend the time of the meeting is necessary to be made. The meetings of the City Council shall not be adjourned until either all items listed on the agenda have been acted upon or a motion to adjourn is made and approved by a majority of the City Council. I. Voting:”; and 6) add the definition of work meetings from North Ogden’s rules of procedure.

6. **Council Member Reports and General Information:** Treasurer/Office Manager Youngdell advised the Planning Commission will have a public hearing on Thursday about amending the number of cats and dogs a resident is allowed.

Fire Chief Coker stated the Easter Egg Hunt will be on Saturday, April 7th at 9:00 am. He asked if the Mayor and Council had all received the NIMS materials he had put in their boxes. They responded that they had.

Police Chief Eborn thanked Council Member Furniss for putting employee bonuses on the agenda and the Council for the discussion and approval. He reminded everyone about the Doxey Elementary School “Lunch with the Mayor” tomorrow.

Council Member Andrews thanked the CERT members for all they do and encouraged others to become members. He thanked the employees and citizens for being here tonight. He believes in the constitution and everyone’s right to be heard. He said he’s been trying to do better and hopes they can get along as a Council. He apologized to Recorder Hale for some things he had said to her. He announced he is running for Senate seat 20 as a member of the Democratic Party. If he wins, he does not know yet if he will step down from his Council position.

Council Member Snow thanked the CERT members and said going through the training was a good experience. The volunteers spend a lot of time preparing to help others in a disaster. He thanked the employees, Mayor and Council for doing a good job. He is glad they were able to give the well deserved bonuses tonight and hopes they will be able to give them the other half when they work out the budget. He has noticed that other cities’ websites have audio or video for at least a year back. Sunset only has audio for one month at a time. He would like to have the audio minutes on the website for a year. He again encouraged the Council to get their NIMS certificates.

Council Member Furniss handed out his disclosure statement and read it for the record. I, Ryan D. Furniss, being first duly sworn, depose and state I am a Council Member of Sunset City and my address is 1831 N. 200 W., Sunset, UT 84015. I am a husband of Pamela A. Furniss located at 1831 N. 200 W., Sunset, UT 84015. My spouse owns 0% of AYSO Youth Soccer Association. I am a City Councilman with a substantial interest in recreation of the City which is subject to regulation by the City. The precise nature of my interest is a

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Council Member over recreation which interacts with AYSO soccer for use of City facilities and rents the Sunset Room on occasion. Dated this 20th day of March, 2012, Ryan D. Furniss and notarized by Susan R. Hale. The original statement is in his personnel file. He addressed Naunie Adams' comments about on street parking stating while he was campaigning he found a majority of the residents were frustrated with Sunset's overnight parking ordinance. He believes the vocal minority got their way when it was implemented and they need to review it. He thanked the Council Members who supported his employee bonus proposal. He believes it was the right thing to do and if it comes down to it, the budget is short and they have to raise taxes slightly he will be able to say he believes he did the right thing. He congratulated the CERT graduates. He mentioned the "Employee of the Quarter" and was told it would be on the next agenda. He would like to set a date for the Sewer District to do a presentation on the potential rate increase due to their expansion project. The Council would like it to be scheduled for April 17th. Council Member Furniss will get back to them after the next Board meeting. He believes they need to discuss the paid insurance premium policy upon retirement because if five employees retired at the same time it could cost the City up to \$100,000 per year. Mayor Bangerter would like to hold a work meeting on that within the next two months.

Council Member Peterson thanked everyone for all they do and said he also plans to become CERT certified. He hopes there is a good turn out for the Planning Commission public hearing.

Recorder Hale said it was budget time and there was talk in the past of a budget retreat and wondered what the Council wanted to do. It was discussed and decided to hold a budget work meeting/retreat on April 10, 2012 at 6:30 pm.

Mayor Bangerter invited the Council Members to the "Lunch with the Mayor" tomorrow at 11:45 am. The Utah Great Shake Out will be held on April 17, 2012 at 10:15 am. He had a video from You Tube about it playing in the alcove outside of the Council Chambers and will try to have it inside the Council Chambers for the next meeting. He is really pushing for City involvement so they are getting the employees ready for it and advised they will have to invest a little money into it. So far almost 700,000 people are involved, with the University of Utah shutting down at 10:15 am and evacuating its 30,000 students.

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

The meeting adjourned at 10:00 p.m.

These minutes have been read and approved at the regular City Council meeting held **April 3, 2012.**