

Sunset City Corporation
City Council Minutes
July 1, 2008
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Minutes of a regular meeting held July 1, 2008 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Gotchy presiding.

Mayor and Council Present:

Dan Gotchy	Mayor
James Bridges	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
Neil Coker	Fire Chief
Mickey Hennessee	Public Works Director
Vicky Gold	Recreation Supervisor
Doug Garcia	Police Corporal

Others Present:

Mark Loucks	HAFB
Melissa Porter	HAFB
Lindsay Mabry	HAFB
Barbara Fisher	HAFB
Don Beatty	Sunset Elementary Principal
Kent Beecher	Southwest Wood Products
Chad Bangerter	CERT, VIPS
Angela White	CERT
John Blaylock	Citizen Corps
Kathy Gittins	Citizen Corps
Brent Andrews	RAB
Susan Andrews	Andrew Hegarty
Terry Avondet	Michael Avondet
Devin Becker	Frankey Hart
Skyler Perkins	Suzanne Hegarty
Amy Hegarty	

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

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

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of June 3, 2008 and June 17, 2008 as presented. Council Member Budge seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Bridges made a motion to approve the voucher for Chrysler Financial in the amount of \$12,003.47. Council Member Budge seconded the motion. The motion passed unanimously.

REGULAR SESSION

Citizen Comments: Brent Andrews thanked Council Member Furniss for standing firm with MIDA and gaining Sunset a voice in their discussions. He hopes the citizens and Council Members continue to support Council Member Furniss and Mayor Gotchy, so Sunset does not lose out on the Westside Development Project.

- HAFB Environmental Update:** Mark Loucks referred to the maps enclosed in the packets he had handed out to the Mayor and Council. He started by saying, unfortunately from the 1940's to the 1970's HAFB dumped their waste chemicals at the edge of the base or just outside the nearest door. That practice has caused them severe environmental problems. HAFB is on the National Priority list, which mandates they receive money from the Department of Defense to help clean up the problem. A lot of the contamination has affected Sunset. The term OU on the map stands for Operable Unit, which is a geographical area of contamination from similar sources. There are four areas of groundwater TCE contamination in Sunset; OU5, OU9, OU10 and a tiny piece of OU12. TCE has been classified by the EPA as a possible carcinogen and HAFB is treating it as if it is. They are still in the investigation stage in the lower two plums. They have a Restoration Advisory Board (RAB) in which members of the community help to advise them on their clean up methodology. Brent Andrews and Public Works Director Hennessee represent Sunset on the committee. OU10 is from 170 feet deep to 290 feet deep and it is the deepest plume around HAFB. The drinking water aquifers called Sunset and Delta have not been affected by the plume, but at 290 feet deep, it is getting close to the Sunset aquifer, so the regulators and them are working hard together to put in some more wells to make sure this hasn't penetrated into a drinking water aquifer. Everyone now is using the Delta aquifer because it has better quality water than the Sunset aquifer. They have recently discovered a third layer of contamination in OU10. It is very shallow at 20 feet deep to 30 feet deep. It consists of PCE or a dry cleaning solvent, which has also been used to clean parts. If these chemicals are close to the groundwater surface, they may volatilize up and get into peoples' homes. They have contacted all 217 homes over these plumes to have indoor air samples taken. Only about 48% have agreed to let them do the samples. They have detected levels above what they consider an action level in 29 homes. They put mitigation systems in those homes, which have been able to reduce the indoor contaminants to below action levels. HAFB pays for the installation of the system, the electricity to run it and a nuisance fee for having to take samples. Some home owners chose not to have a mitigation system installed. They test homes outside of the plumes due to migration of the contaminants. They are just finishing their investigation, then in the winter they will start the feasibility study where they will review all possible remedies they could use to clean up the contamination. During this time they will invite the Mayor and City Council to explain what they are going to do and gather input from them. In about two years time they will have a plan created to take to the public for comment. When the comment period is over they create a record of decision with the regulators. Everything is

going well with OU5. Because of the newly discovered contamination, they will be holding an Information Fair in the Sunset Room on July 10th from 5:00 p.m. to 7:00 p.m. They have also invited a doctor from the University of Colorado who specializes in toxicology to answer any health questions people may have. He asked if there were any questions. There were none.

2. **Request for Sunset City to match the reward money offered by Sunset Elementary for helping to solve a vandalism crime at the school:** Mayor Gotchy stated Principal Beatty requested this item be taken off the agenda because he has handled the issue.
3. **Honor teens for helping to solve the vandalism crime at Sunset Elementary:** Police Chief Eborn introduced Don Beatty, the Principal of Sunset Elementary. He said he has been great to work with and really cares about the school, students and what goes on there. Principal Beatty said he sees kids make great decisions to further themselves and kids who make horrible decisions and have to pay the price. Unfortunately, they don't always catch the kids who make the horrible decisions so they can help them rethink their decisions and that is very frustrating. In this case, there was a surveillance camera the kids stared into and then made the choice to destroy. He put a clip of the video on You Tube and then emailed the site to 450 homes in Sunset and Clinton with a message offering a reward to anyone who could identify the kids. No one identified them. Officer Garcia let the kids at the skate park view the video on his lap top. The next day one of the kids walked through the field and several of the kids from the skate park saw him and called in to ID the guy, resulting in the vandals' arrests.

Chief Eborn said he believed it was important to have this item on the agenda because a couple of weeks ago they challenged some boys present at the Council meeting to do the right thing and come forward when they know who causes a problem. The boys took that advice and as a result a crime was solved. Chief Eborn and Principal Beatty felt the boys deserved some recognition for doing something tough like that. The school had put up a reward and the boys will get that. Also, the Police Department received an additional \$50.00 to give the boys from a concerned citizen who wished to remain anonymous. Chief Eborn gave a "thumbs up" to Officer Garcia for being so persistent in getting the vandals identified. Principal Beatty said the school doubled the original reward of \$50.00. Skyler Perkins, Frankey Hart, Andrew Hegarty, Devin Becker and Michael Avondet were handed the reward money by Principal Beatty, congratulated by the Mayor and Council and applauded by everyone present.

Mayor Gotchy thanked Officer Garcia, Principal Beatty and especially the boys for stepping up and helping to solve this crime.

4. **Review Southwest Wood Products business license:** Mayor Gotchy stated he met with Kent Beecher, Rusty Eskelson and Public Works Director on Wednesday and the notes of that meeting are in the Council Members' packets. He asked Director Hennessee to meet with Mr. Beecher at Southwest Wood Products to evaluate the problems. He advised the Council Members they needed to hold the business accountable to the conditions originally

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given, not what they want to see happen as an afterthought. There were certain items that did not get covered when the business went before the Planning Commission and the Council, but should have. However, that is no fault of Mr. Beecher's and he is only required to comply with the conditions given.

Public Works Director Hennessee reported he did go to Southwest Wood Products to review the business based on the conditions given on May 1, 2007. He went there a few months ago and then met with Mr. Beecher a few days ago and noticed there had been some tremendous improvements. However, he observed two items in violation with the original conditions. One was the wall/fence was not 6' in a few areas and the other was the wall/fence was leaning in one location. A big concern of his and one that is in violation with State and County ordinances is that dirt/mud is being tracked onto Main Street from their driveway. He went over these concerns with Mr. Beecher. Mr. Beecher agreed to give Director Hennessee engineering on the wall. Any wall over four feet is required to have engineering on the construction of it. He agreed to remove the dirt that was against the wall/fence and increase the areas of the wall/fence that are not six feet to six feet along residential property. The dust problem is already being taken care of. When the business went before the Planning Commission and Council no one addressed the storm water issue and to date, there has not been a problem. If storm water run off becomes a problem, stricter standards will be imposed. He has agreed to immediately install a hard surface on the land before his driveway with some kind of wash off station to clean the dirt/mud off the vehicles leaving the business so it is not tracked out onto Main Street. Director Hennessee said he will work on a list of items the Planning Commission needs to address in the future.

Council Member Bridges asked about the water tank on the property. Director Hennessee said the tank is old and dry and there were no gas fumes so he does not see any problem with it. He believed the Council had a question about some dirt up against the foundation of the house. He said a concrete foundation is built for that purpose and he did not see any kind of violation. Mr. Beecher is going to bring him engineering for the wall and if he sees that anything is not built to those standards, he will make sure it is re-done right.

George Blair asked Director Hennessee if he had seen the area where there is a 12 foot retaining wall abutting his back yard in the corner. He believes Mr. Beecher has to put a six foot fence on top of it. He is afraid someone could fall over the edge into his back yard. It is right in the corner of Rusty's Auto and Southwest Wood Products. Director Hennessee stated he inspected the lot of Southwest Wood Products. If Mr. Blair is talking about Rusty's Auto, he did not inspect that. Mr. Blair said it is the same wall and he watched Mr. Eskelson build the hill up with wood, dirt and old logs. Director Hennessee said he would meet with Mr. Blair about it after the Council meeting.

Council Member Budge made a motion to accept Director Hennessee's recommendations in order for Southwest Wood Products to reach compliance. Council Member Chapman seconded the motion. Council Member Furniss clarified the recommendations are the ones written on the memo Director Hennessee gave them. It was answered yes. Those recommendations were written as follows: 1) Engineering will be submitted on the block

wall concerning stability, construction standards and seismic issues. Dirt will be removed from against the wall. 2) Areas along the wall/fence that are not six feet will be increased to the required six feet. The original permit required the fence to be along areas abutting residential properties only. 3) A hard surface area will be required before entering the public right of way and a system of washing all dirt and removing any debris off of vehicles before entering the roadway. 4) If storm water run off or dust control becomes an issue, these items will be revisited with stricter standards imposed. The motion passed unanimously.

5. **Citizen Corps Council update:** Kathy Gittins reported the Citizen Corps Council has held three barbeques so far and they have gone well. There have been anywhere between 100 to 200 people attending them. She thanked the fire fighters for helping them set up and a couple police officers, Mayor and Council Members for attending. She also thanked the Public Works Department for putting the barriers up and the garbage cans out each week. She passed out a sheet listing the dates and places the next ones will be held. For Fun Days, they will have a float in the parade, two booths and members will be helping with crowd control during the fireworks display.

Mayor Gotchy stated everyone has been doing a wonderful job on the barbeques. He asked the Council Members to make time to attend these barbeques because it is important the citizens see that the Council backs what the Citizen Corps is doing. The project is gaining notoriety.

Council Member Furniss commended the Citizen Corps for their efforts. He reported he is dealing with this on a religious level in his stake and he wondered if there has been any outreach to the different faiths in Sunset. He feels they may be doubling their efforts to do the same thing. Mrs. Gittins said the Citizen Council Chair and Treasurer are also stake emergency preparedness people so the efforts are somewhat together, but it has to be separated to a certain extent. They will be holding an Emergency Preparedness Fair in September and they are working with the stake so every ward is represented and they are also going to other churches in Sunset to get them involved. They have found that over 50% of Sunset is non-LDS and it is really hard to get them involved if church is mentioned, so they are trying very hard to keep it separate. The Citizen Corps members pass out flyers to every house in the district about a week before the barbeque and then the siren is sounded at the time of the party so everyone possible can be invited.

6. **Resolution 2008-09 adopting the certified tax rate:** Mayor Gotchy explained that each year the City has to adopt the certified property tax rate received from Davis County.

Council Member Furniss made a motion to adopt Resolution 2008-09 adopting the certified tax rate. Council Member Carlson seconded the motion. The motion passed via roll call vote. Council Member Bridges – aye, Council Member Carlson – aye, Council Member Budge – aye, Council Member Furniss – aye, Council Member Chapman – aye.

7. **Nominate a representative to the Development Review Committee created by the Military Installation Development Authority:** Mayor Gotchy said this item was discussed

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at the last meeting and he hoped everyone had a chance to think about who would best represent Sunset. He read the letter sent to him from MIDA asking the Council to recommend someone for appointment to the Development Review Committee. He asked for suggestions on who they should recommend. Council Member Carlson said, based on his background and desire to be involved, he would like to nominate himself. He worked for an architectural firm for 10 years and a construction engineering firm for 14 years so he believes he could be helpful on the committee. Mayor Gotchy asked if there were any others. Council Member Furniss said they also needed an alternate and asked Public Works Director Hennessee if goes to those meetings anyway. Director Hennessee replied he does. Council Member Furniss said he is comfortable with Council Member Carlson becoming the Sunset representative. Mayor Gotchy asked if anyone is adverse to recommending both of them.

Council Member Budge made a motion to recommend to MIDA that Council Member Carlson and Public Works Director Hennessee be appointed to the DRC. Council Member Bridges seconded the motion. The motion passed unanimously.

Fire Chief Coker clarified that this committee reports to the MIDA Board and that Sunset still does not have a seat on the Board. He asked if that was still being worked on. Council Member Furniss responded that he is, but he has to wait until the next legislative session. He will be relying on Lincoln Church, the Utah Leagues of Cities and Towns lobbyist, and Senator Greiner to help him get another Board member position mandated.

Council Member Furniss noted that if Council Member Carlson should miss three meetings in a row unexcused, he could be removed from the committee. Mayor Gotchy asked Recorder Hale to send an email to the MIDA Board stating the Council's recommendation.

8. **Set an annual time to hold the Fun Days Celebration:** Mayor Gotchy said this item is to discuss setting an annual time to hold Fun Days so things can be scheduled easier. Supervisor Gold reported Syracuse, West Haven and South Ogden hold their celebrations at the end of June, Clearfield and West Point hold theirs the first week of July, Clinton holds its the second or third week in July, Roy is the first week in August, Hooper's is on Labor Day weekend and Salt Lake City and Ogden hold theirs the week of July 24th. She believes there is no problem holding Sunset's during the weekend of the week of July 24th. The pros and cons of several dates were discussed. Chad Bangerter advised that as far as car shows go, the week of July 24th only has one other annual car show and that one is in Wells, Nevada.

Council Member Furniss made a motion to hold the annual Fun Days Celebration the week of July 24th. Council Member Chapman seconded the motion. The motion passed unanimously.

9. **Discuss whether or not to rent the Sunset Room on Sundays:** Mayor Gotchy said his opinion is that the City is closed down on Sundays and he would like so see that City staff is not required to come in on Sundays in order to have the Sunset Room rented out. With the cost of gasoline, etc. some government facilities are shutting down on Fridays to save money. He asked if anyone was required to come in when the boweries are reserved. Public Works

Director Hennessee replied someone does come in to make sure they are clean, the power is on and that the restrooms are open. Council Member Bridges asked if there are many reservations on Sundays. Director Hennessee replied there are some Sunday afternoon barbeques. Council Member Budge asked how many times a year the Sunset Room is rented out. Supervisor Gold said maybe twice a year. Council Member Chapman believed if the Sunset Room is closed for Sundays, the parks should also be closed because an employee works on Sundays for that. Mayor Gotchy said it is two different sets of employees. Council Member Chapman said he understands that, but it is still a City employee. Council Member Budge said she does not see that twice a year is a problem for someone to come and open up the Sunset Room on Sundays. Council Member Furniss said he is torn because he wants to make money for the City, but on the other hand money is being spent for someone to come in and open the room. He asked Supervisor Gold's feeling on it. Supervisor Gold said she would rather not have it rented out.

Council Member Bridges made a motion to close the Sunset Room on Sundays. Council Member Furniss seconded the motion. The vote was 2 to 3, so the motion did not pass. Council Members Chapman, Carlson and Budget voted no.

10. Council Member reports and general information: Council Member Bridges thanked the young men that participated in the vandalism problem. It took a lot of courage for the teens to report on it because they know they may be called names for telling. He thanked the Citizen Corps and the Fire Department for the barbeques and stated they have been well attended. The article in the newspaper was great because it put Sunset in the forefront of having residents willing to step up and take care of problems.

Council Member Carlson agreed with Council Member Bridges and pointed out the newspaper article was well done. He asked about the Mayor and Council getting their Sunset shirts before the Utah League of Cities and Towns conference. Mayor Gotchy said that was already being worked on and they just needed to get sizes.

Council Member Budge said many years ago the stake tried to do the same thing with the City, but when the church was mentioned a lot of the non-LDS people lost interest because they didn't want to be involved with the LDS Church. She said it was a good decision by the Citizen Corps to not bring the church and City together on emergency preparedness. She applauded their efforts in holding the barbeques. She talked to some of the boys at the skate park last night and was a little concerned because the benches were gone again. They understand the benches were gone because of the garbage. As she talked with them she asked if they felt this was teaching anyone a lesson and they replied no because it is not the skaters, but the spectators that are tossing the garbage on the ground. The group she was talking to pointed out another group and said they were causing a lot of the garbage problems. She called both groups together and asked them to put the garbage in the can. They did, she thanked them and left. Mayor Gotchy advised part of the reason the benches were moved was because they were staked down and the kids pulled them out and stacked the benches on top of each other to use as ramps and rails. The Public Works employees are putting concrete bases on them, one is back already and they will put the others back as they

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are finished. He believes, with all the talking they are doing, some things are getting through to the kids. Things are getting better. New signs have been posted with the skate rules and that no dogs are allowed. The pedestrians have the right-of-way when it comes to the walking track. Council Member Budge said she is also proud of the boys who came forward about the vandalism and wished they were still here to hear how proud they were of them.

Mayor Gotchy thanked the Citizen Corps and Fire Department for the barbecues. They have done a wonderful job.

Council Member Furniss thanked Council Member Carlson for nominating himself to be on the DRC Board. It will alleviate a lot of pressure on him as he has been trying to attend all the meetings. He said he appreciated Brent Andrews' comments earlier. He brought a plaque he received when he was a teenager that South Ogden City gave him for reporting a theft as it was happening. He had hoped to show it to the boys who helped solve the vandalism. He has always made a point of stepping in when things are not right. He hopes the feeling those boys had when doing the right thing will stay with them throughout their lives. There have been some positive comments about the skate park, but there was also a large fight there last week where one boy was assaulted by some other boys.

Council Member Chapman thanked the Citizen Corps for their work. The food is excellent and it really brings the community together. He thanked Officer Garcia for his efforts in identifying the vandals. He told Chief Eborn he has a great police force and he appreciates the work they have done. A lady is still considering becoming the female Youth City Council Advisor, but hasn't made up her mind yet. She came to their last meeting and had some really good ideas. He will have something to bring before the Council at the next meeting on allowing dogs to be walked on the walking track at South Park.

Recreation Supervisor Gold advised the musical "Honk" will be performed on July 10-12, 14 and 16-19. Tickets will be \$3.00 per person and a family night will be held on Monday and the tickets will be \$15.00 for up to six people. The Youth City Council will be doing the concessions. Mayor Gotchy asked the Council Members to attend a showing and invite friends and family because a lot of time and effort has gone into it.

Treasurer/Office Manager Youngdell reminded the Mayor and Council of the Utah League of Cities and Towns conference to be held September 10-12, 2008. She has reserved their hotel rooms and is working on getting their Sunset City shirts. Hopefully, they will be done before Fun Days.

Public Works Director Hennessee said they would be putting up the Fun Days banners soon and they will be getting some pole banners to put up. The roll-off dumpster has been delivered to the shop. Signs will be posted and flyers sent out soon concerning the times the dumpster will be available and what phone numbers to call.

Fire Chief Coker thanked everyone for helping them with the neighborhood barbecues. He invited the Mayor and Council Members to attend the Fire Department party on July 10th at

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the Central Park bowery. He has received the trophies for the Fun Days tot tractor pull event. There will be three different weight groups; 39 lbs. and under, 40-49 lbs. and 50-59 lbs.

Mayor Gotchy stated he recently attended a COG meeting and was privileged to meet the head of UDOT. He talked with him about their plans to zeroscape the east side of Main Street. He told Mayor Gotchy he would help get the contract so they could do that, as well as potentially involve youth groups or church groups to help and potentially give the City some money and designers to help with the project. When Mayor Gotchy was talking with Kent Beecher and Rusty Eskelson, Mr. Eskelson said the businesses along Main Street may donate some money for the project if the City will listen to some of their suggestions because they don't want trees to block the view of their signs. Mayor Gotchy mentioned the article about the neighborhood barbeques in the Standard Examiner and said he was told there were a lot of misquotes. A reporter has just been assigned to Sunset and he would like to have the reporter communicate with the Citizen Corps. There are a lot of changes going on in Sunset and a lot of them are due to the citizens and Council Members. It is good to see they are being proactive instead of reactive. He thanked Council Member Furniss for his efforts with the MIDA Board.

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

The meeting adjourned at 8:05 p.m.

These minutes have been read and approved at the regular City Council meeting held **August 5, 2008.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder