

Sunset City Corporation
City Council Minutes
July 7, 2009
Page 1 of 6

Minutes of a regular meeting held July 7, 2009 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Gotchy presiding.

Mayor and Council Present:

Dan Gotchy	Mayor
Ricky Carlson	Council Member
James Bridges	Council Member
Cheyrl Budge	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
Mickey Hennessee	Public Works Director
Vicky Gold	Recreation Supervisor
James Weston	Deputy Fire Chief
Bruce Arbogast	Police Sergeant
Doug Garcia	Police Corporal
Fire Fighters: Amy Kippen, Anthony Bott, Rebecca Davis, Travis Carter	

Excused:

Neil Coker	Fire Chief
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Others Present:

Anita Hunter	Tropical Sno
Jan & Earl Hammer	Mountain Country Produce
Jason Gabbert	Alternate Planning Chair
Pam Furniss	Cheryl Smith

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

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

Approval of Minutes: Council Member Budge made a motion to approve the minutes of June 16, 2009 and June 23, 2009 as written. Council Member Furniss seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Furniss made a motion to approve the voucher for Tesco Williamsen in the amount of \$14,818.00. Council Member Bridges seconded the motion. The motion passed unanimously.

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

Citizen Comments: There were none.

REGULAR SESSION

1. **Request for conditional temporary business – Mountain Country Produce, 1200 N. Main:** Alternate Planning Chair Gabbert explained the Planning Commission reviewed the temporary business license application of Mountain Country Produce on June 18, 2009 and recommended the Council approve the application with no restrictions. There was little discussion because this business has been in Sunset for many summers and there have been no problems.

Council Member Bridges made a motion to approve the temporary conditional use business license for Mountain Country Produce. Council Member Budge seconded the motion. The motion passed unanimously.

2. **Request for conditional temporary business – Anita Hunter, 2353 N. Main:** Alternate Planning Chair Gabbert explained the Planning Commission reviewed the temporary business license application of Anita Hunter on June 18, 2009 and recommended the Council approve the application with no restrictions. This business is new and there was some discussion about its source of electricity. It is a Tropical Sno business and will be located near Smith's Food & Drug store on the south side of the main entrance.

Council Member Budge made a motion to approve the temporary conditional use business license for Anita Hunter. Council Member Furniss seconded the motion. The motion passed unanimously.

3. **Appoint David Hackett as an Alternate Planning Commissioner:** Alternate Planning Chair Gabbert said the Commissioners interviewed Mr. Hackett and they all believed he would be a good asset to the Planning Commission. He recommended that the Council appoint David Hackett as an Alternate Planning Commissioner.

Council Member Furniss made a motion to appoint David Hackett as an Alternate Planning Commissioner. Council Member Budge seconded the motion. The motion passed unanimously.

4. **Discuss Condominium Conversion Ordinance:** Alternate Planning Chair Gabbert explained there had been a request to turn an apartment building into condominiums for individual sale so the Commissioners researched and drafted the condominium approval procedure ordinance. There is no zoning established to allow this, but they thought it would be a good idea to have the ordinance in place in case it comes up again.

Recorder Hale explained City Attorney King had drafted the ordinance, but has not reviewed it since some changes were made.

Council Member Furniss made a motion to table this item until Attorney King can review it. He thanked the Planning Commission for their hard work. Council Member Bridges seconded the motion. The motion passed unanimously.

5. **Discuss Good Landlord Program:** Mayor Gotchy explained they had talked about this in prior meetings and have seen a presentation on the issue. Council Member Budge had done some research into Ogden's program and found out a lot of the landlords are sending people to the classes that don't have anything to do with the rentals, so some of the landlords are not really involved in the program. It was mentioned that the City does not have the money in the budget to conduct the disproportionate fee study right now. Mayor Gotchy reminded the Council Members that the focus is the benefit of controlling crime. After more discussion it was decided not to pursue the Good Landlord Program at this time.
6. **Discuss allowing residents to house chickens at their residences:** This issue was on the agenda due to some residents asking if they could have chickens. A couple of Council Members researched the issue on the internet. It seems to be a nationwide trend and the ordinances require certain lot sizes and distances away from neighbors' lots. It was said Sunset is a City and chickens should be kept in rural areas. After more discussion, it was decided not to move forward with this issue.
7. **Discuss policy regarding officers carrying their radios:** Council Member Furniss asked for this item to be on the agenda because he has been made aware that the Police Chief and Lieutenant may not be monitoring their radios as often as they should. He has drafted a Police Personnel Procedure and Policy amendment he would like implemented. It mandates that all officers carry their radios at all times. He read a letter from Judge Jensen and asked that it be written verbatim in the minutes. "Dear Councilman Furniss, In reference to our conversation earlier today regarding courtroom security; I have no problem with the on duty bailiff responding to emergencies within the City should such circumstances arise while court is in session. I would imagine such circumstances would be rare. Please feel free to contact me further if there are any questions about the court's position in this regard. Sincerely, Judge Jerald L. Jensen" With that being said, Council Member Furniss would like the bailiff to respond only if there is no prisoner in custody or if there is no disturbance going on in the court room. Chief Eborn said he is not opposed to having a policy requiring that as long as it gives some discretion such as when in training and not in town, doing an interrogation or working undercover. The policy was discussed further and it was decided Council Member Furniss and Council Member Chapman will meet with Police Chief Eborn to draft a policy they agree on and then send it to the City Attorney.
8. **Council Member reports and general information:** Council Member Chapman reported he had asked Youth City Council Advisor Tommy Miller to have a meeting with the Youth City Council, but that did not happen. He has been unable to contact him and now believes they need a new Advisor. He asked for suggestions and explained what the Youth City Council Advisor does. He asked what the Council planned to do about the City Employee summer picnic. The Council is supporting the Citizens Corps with their neighborhood BBQs, but not the employees and he would like to do something for them. They discussed hamburgers, hotdogs and pot luck dishes and also renting the Roy Aquatic Center. It was decided to hold some kind of party and Council Member Chapman and Treasurer/Office Manager Youngdell will get together to gather ideas, costs, etc. and bring it before the Council at the next meeting.

Council Member Furniss said he has been informed that an employee of the City may run for Mayor and he believes that would create a great conflict. Council Member Chapman said they went through this when he ran for Council and David Church, the Attorney for the Utah League of Cities and Towns, and City Attorney King said as long as he was a volunteer he could hold office, but if he was a full or part time paid employee he could not. Recorder Hale advised the State Code states an employee may have to take a leave of absence if they are elected. With using the term "may" the State Code leaves the determination up to the individual cities. Council Member Furniss stated the employee who wants to run for Mayor is a full time, paid employee. He and Mayor Gotchy see that as a huge conflict of interest. It was decided to discuss this issue during a special work meeting on Tuesday, July 14, 2009 at 5:30 p.m. Council Member Furniss reported the North Davis Sewer District is doing good and looking forward to some future growth.

Council Member Budge had asked at the last meeting that some of the kids who hang out at the skate park be asked to form a committee to help keep the area clean and problems down. She has been there every night the last two weeks and said garbage is a problem, but the teenagers have been very courteous with each other and the younger kids; it is the five to eight year olds who are less courteous. The kids seem to be governing themselves pretty well, but for the garbage. Public Works Director Hennessee said they planned to talk with them at the skate competition on July 24th. Anita Hunter offered to give the kids a free shaved ice as a reward for picking up the garbage. Council Member Budge said there were two girls about 11/12 years old who came to the skate park each night for about a week to talk to the boys, but they picked up all the garbage every time they were there.

Council Member Carlson asked if the Grand Marshall for the parade had been decided upon yet. It was answered that June Martin will be the Grand Marshall this year.

Recreation Supervisor Gold reported she has received \$1,000 from Wells Fargo for the Kids Club Program. She said there were 70 people who attended the concert in the park on Friday. The last one will be in August. The Community Theater production, Cactus Pass Jamboree, will be held July 10th through the 18th. The tickets will be \$4.00 for adults, \$3.00 for children and \$20.00 for a family of six. Mayor Gotchy asked everyone to support the production. Supervisor Gold said she talked with the carnival people and next year they have an open weekend the weekend of July 31st. She asked if the Council wanted to hold Fun Days that weekend and book the carnival. It was discussed and decided to hold it then.

Police Chief Eborn reported the Police Department will receive the full \$10,000 of the grant he had previously told the Council about. It is a reimbursement grant and he will be purchasing laptops, a radar gun, a covert camera system and a replacement for their 35mm camera that broke. He asked for and received the Council's approval to start purchasing those items.

Treasurer/Office Manager Youngdell said the City phone numbers have been left out of the government section of the phone book for the last five years, but are finally in it this year. She advised the newsletters are done and this will be the last time they will be mailed to each

household. As discussed during the budget meetings, from now on they will be on the City's website and will only be mailed to those who ask to be on the mailing list.

Deputy Fire Chief Weston said he had informed the Council about a person in full arrest who they helped, but he failed to mention that Clinton City's ambulance was there and helped as well. He thanked them and apologized for leaving them out the first time. On Thursday the fire fighters will be practicing the fireworks for Fun Days so the residents may hear loud bangs. They participated in the Salt Lake American Cancer Society Relay for Life and raised just over \$3,000 for them. Two of the fire fighters did the relay in full gear.

Mayor Gotchy reminded everyone the elections are coming up and encouraged everyone to get involved. The Mayor and two Council seats will be open and he will not be seeking re-election.

Council Member Budge made a motion to enter the work session. Council Member Chapman seconded the motion. The motion passed unanimously.

WORK SESSION

8. Discuss FY2010 budget: Recorder Hale had provided the Council with worksheets showing how the Utility Fund revenues over expenditures compared annually for water, sewer, refuse and storm sewer. Currently, the water's revenues are \$6,500 over expenditures, sewer is \$17, 900 over, refuse is \$36,400 under and storm sewer is \$4,600. Total revenues for the Utility Fund are \$7,400 short of covering operating expenses. Several options were discussed at length and it was decided to divide the water rates into residential and commercial. The commercial rate will be changed to \$20.00 for the first 10,000 gallons and \$0.10 for each 100 gallons over that. The sewer rate will change from \$11.50 for the first 10,000 gallons and \$0.10 for each 1,000 gallons over that. The refuse will be changed to \$17.50 for the first can and \$8.00 for additional cans. The storm sewer rate will not change. Including the dispatch fee of \$2.00, the total base residential utility bill will increase from \$45.55 to \$48.15 per month for those with one garbage can and from \$52.10 to \$56.15 for those with two garbage cans. The total base commercial utility bill will increase from \$45.55 to \$52.00 per month. Those are increases of \$2.60 and \$4.05 per month for residential and \$6.45 for commercial users. Recorder Hale will put the figures together and they will discuss the budget at a work session after the regular meeting on July 21, 2009.

Recorder Hale said some Council Members had wanted to know how much money was in the Public Works Capital Project Fund and what projects it was being held for. She passed out a spreadsheet showing those amounts.

Council Member Chapman made a motion to close the work session and go back into the regular session. Council Member Furniss seconded the motion. The motion passed unanimously.

Council Member Budge made a motion to go into a closed session after a five minute break. Council Member Bridges seconded the motion. The motion passed unanimously with a roll call vote. Council Member Bridges – aye, Council Member Carlson – aye, Council Member Budge – aye, Council Member Furniss – aye and Council Member Chapman – aye.

CLOSED SESSION

7. Discussion to be held in accordance with Utah State Code Section 52-4-205(1)(a) discussion of the character, professional competence, or physical or mental health of an individual.

Present: Mayor Gotchy, Council Member Bridges, Council Member Budge, Council Member Carlson, Council Member Chapman, Council Member Furniss, Recorder Hale and Police Chief Eborn.

Signed affidavit is attached.

Council Member Chapman made a motion to end the closed session and go back into the regular session. Council Member Furniss 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 9:35 p.m.

These minutes have been read and approved at the regular City Council meeting held **July 21, 2009.**

Ricky Carlson, Mayor Pro-Tempore

Susan R. Hale, Recorder