

**Sunset City Corporation  
City Council Minutes  
August 17, 2010  
Page 1 of 9**

Minutes of a regular meeting held August 17, 2010 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Pro-Tempore Chapman presiding.

**Mayor and Council Present:**

Ray Chapman	Mayor Pro-Tempore
Brent Andrews	Council Member
Cheyrl Budge	Council Member
Ricky Carlson	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 Director

**Excused:**

Chad Bangerter	Mayor
Neil Coker	Fire Chief

**Others Present:**

Terry Avondet	Robert Bremer
Les & Sharon Moore	Joseph D. Martinez
Dax Gurr	Dorothy Watt
Larry L. Smith	Swain C. Wood
Richard F. Mortenson	Kelly & Shauna Hill
Robert C. Burden	Gordon K. Rock
Robert Schenk	Brady Jugler
Guy & Heather Wokurka	William & Elizabeth Larson

The meeting was called to order at 6:30 p.m. by Mayor Pro-Tempore Chapman.

Boy Scout Troop #306 led the Pledge of Allegiance and Council Member Andrews gave the invocation.

**Approval of Minutes:** Council Member Budge made a motion to approve the minutes of August 3, 2010 as amended. Council Member Furniss seconded the motion. The motion passed unanimously.

**Approval of Vouchers:** Council Member Budge made a motion to approve the voucher for Ford Credit in the amount of \$15,823.37. Council Member Andrews seconded the motion. The motion passed unanimously.

**Citizen Comments:** There were none.

**6:30 PM - REGULAR SESSION**

1. **Approval of an Interlocal Agreement for the Billing and Collection of Fees for Advanced Life Support Services:** Mayor Pro-Tem Chapman explained this agreement is a requirement for acquiring the ambulance license and making sure the bills for each entity mentioned are billed and paid for.

Council Member Furniss made a motion to approve the Interlocal Agreement for the Billing and Collection of Fees for Advanced Life Support Services. Council Member Budge seconded the motion. The motion passed unanimously.

2. **Council Member Reports and General Information:** Council Member Budge mentioned an email she had sent to Mayor Bangerter regarding the house that had been burned and is being restored. In it she had asked about the complaint that an apartment was being built in the basement. Public Works Director Hennessee said he talked to the owner and told him that it was not allowed. However, he is required to make the basement windows bigger to meet current code and that may be why the neighbor thinks he is making the basement into an apartment. Council Member Budge thanked the City employees for attending the Council meetings and for all the hard work they do. She thanked the Boy Scouts for conducting the flag ceremony and Pledge of Allegiance. Council Member Andrews said he would let them know.

Council Member Carlson thanked the Police and Fire Departments for taking care of the situation with Charlie Dubose. He said he was in St. George over the weekend and when he drove on St. George Blvd. it reinforced his opinion that Sunset should do something like that with 1800 North.

Council Member Andrews said when UDOT was hosting their West Davis Corridor open house in the Sunset Room, he expressed his opinion about making 1800 North something like St. George Blvd. On Wednesday, August 4<sup>th</sup> there was a newspaper article on Falcon Hill's groundbreaking and the first stage of construction which will include restructuring the gate at 650 North in Clearfield and a building to house Hill's Intercontinental Ballistic Missile group. The building will be owned and operated by Northrop Grumman and leased to the Air Force. He is happy HAFB will be getting the F-35 contract. He echoed Council Member Budge's appreciation of the City employees. He said the people who live in this City are good people.

Public Works Director Hennessee pointed out school will be starting soon and asked people to watch out for the little kids. They will be painting the crosswalks soon.

Recreation Director Gold advised softball leagues start next week. She is working on getting the Pepsi trailer put at South Park for AYSO. Flag football starts in September and is combined with Clearfield, North Ogden, Ogden, South Ogden and South Weber. She is keeping in contact with the Youth City Council about using the Pepsi trailer for fund raising.

Mayor Pro-Tem Chapman said the Youth City Council is going good and the youth are planning more fund raising events. A new business, Action Zone Gymnastics, will be open

in Sunset Square soon. At the request of Mayor Bangerter, City Attorney King is working on an ordinance for the City banning sound walls along I-15 in Sunset.

Council Member Furniss made a motion to adjourn the regular session for five minutes and go into the public hearing at 7:00 p.m. Council Member Budge seconded the motion. The motion passed unanimously.

### **7:00 PM - PUBLIC HEARING**

- 3. Truth in Taxation public hearing to solicit the comments of Sunset City residents on the proposed property tax increase and the Fiscal Year 2011 budgets:** Mayor Pro-Tem Chapman explained that anyone who wants to speak will be given two minutes to express their comments. After everyone who wishes to speak has spoken, those who have already spoken will be granted another minute to speak if they wish to do so. He read a statement prepared by Mayor Bangerter, "Dear Residents, I was elected based on a campaign that I would do all in my power not to raise taxes. I believe I have done everything within my power. With the economy and decreased sales tax revenue the City has been receiving, the Council and I have had to cut employee cost of living and merit increases again this year, cut all but mandatory training, cut our Police Secretary and Recreation Director to part-time and we've sold assets that the City would normally keep as back up such as a backhoe, dump truck, flat bed truck and grader. I have asked all employees to become energy minded, mandated no unnecessary spending and asked Department Heads to cut their budgets by 20%. In addition, the Council and I have cut our budget by 29% which included cutting one third of my expense allowance and one half of the Council's expense allowance. In January of 2011 we will review the budget and if the revenues aren't coming in any better, we may have to require the employees to begin paying a portion of their insurance premiums. We are in the process of trying to sell two properties the City owns, I have asked the Police Department to be stricter on enforcing ordinances in the City and I have asked the Judge to use the Police Officers for prisoner transports more efficiently. As you can see, the Council and I have done everything we could think of before asking more of the residents in the form of a property tax increase. Some of the increase is due to not implementing periodic property tax increases throughout the past several years, when the operating costs have continued to increase. I hope you will understand that the Council and I are not frivolously proposing this property tax increase, but out of a sincere need. Thank you for your support, Mayor Bangerter." He then opened the meeting for public comment.

Dax Gurr said he attended the Davis School District's TNT hearing before coming here and he appreciated all the cuts the Sunset Council has made. He does not live in Sunset, but owns some commercial property here. He explained his property is his retirement and his property tax increased \$2,000 this year and that is a significant amount. He asked that the Council continue to do what they can to lower the City's costs and keep in mind that property tax increases are difficult for people.

Larry Smith asked the audience who among them received a 56% wage increase this year, then asked the Council how they can ask for a 56% increase in property tax. He argued with Council Member Furniss about saying if they didn't ask for a huge increase they were doing the City a great disservice, which Council Member Furniss said he did not make. He asked

**Sunset City Corporation**  
**City Council Minutes**  
**August 17, 2010**  
**Page 4 of 9**

what the Council was going to do with the money. Mayor Pro-Tem Chapman said it would be used to run the City. Mr. Smith said most of the people in attendance are on social security and said he hoped when they could not buy their medicine or aren't able to eat that he can be happy with it. He said Council Member Carlson lives down the street from him and he hopes he does not vote for this. He understands the City needs more money, but so does he. Davis County is also asking for an increase and that puts a big burden on the residents. Social security went up 0% last year, this year and probably next year.

Mayor Pro-Tem Chapman said in the General Fund, due to last year's property tax increase the property tax revenue was up \$37,600, but the sales and franchise taxes decreased \$68,200 so the total tax decrease was approximately \$30,000. The Justice Court revenue decreased \$149,000. Total revenues were down \$247,000. Expenditures were approximately the same as the year before. This year, without the property tax increase, total revenues are projected to be down from last year by a little over \$145,000. Operating costs have increased, so even with the major cuts made to the budget he read in Mayor Bangerter's statement, the expenditures are only expected to be about \$47,000 less than last year. That is why the Council has had to propose the property tax increase. In the Utility Fund, the operating expenses increased \$29,715 last year and are expected to increase about \$94,000 this year. Because we've had such a wet year, water usage for this summer is heading toward a record low. Unfortunately, less water used means less revenue for the City and operating costs continue to increase because whether a little water or a lot of water runs through the City system, the system has to be maintained in good working order. Therefore, a 55 cent per month increase had to be implemented to the residents' utility bills. He noted the City went many years before he got elected with no tax increases. He has always thought there should be a little increase each year to keep up with inflation and increased costs, but there were no increases for almost 20 years. That is why this one is hitting everyone so hard.

Gordon Rock said last year the Public Works budget was \$22,280 and this year it is \$188,625. He asked why there is such a big increase. Recorder Hale explained he was looking at the Public Works Capital Projects Fund. \$188,625 was spent last year on a down payment for the dump truck/snow plow and radio read water meters. The City sets aside some money each year in this fund until enough is saved for a project. There is no way a City this size has enough money in one year to do a major street project for example. Mr. Rock asked if Sunset really needs an ambulance. Mayor Pro-Tem Chapman said it is actually a money maker. At the worst case scenario it could make about \$59,000 a year. The firefighters have paid for the ambulance out of a fund they contribute money out of their pay checks into. The City did not pay for the ambulance, however they are asking the City to outfit it. Council Member Furniss clarified that the Public Works Capital Projects Fund only has a budget of \$14,000 this year. The snow plow had to be replaced last year or the roads would not get plowed properly. Mr. Rock said his property tax went up from \$1,010 to \$1,114 if the property tax increase is passed.

Dax Gurr asked if they have considered combining services with another City to help cut costs like Washington Terrace has done recently with their Police Department. Council Member Furniss replied that the North Davis Fire District was formed by combining some

**Sunset City Corporation**  
**City Council Minutes**  
**August 17, 2010**  
**Page 5 of 9**

cities and he is thankful Sunset was not one of them because the residents' property taxes would have increased immensely. That was also one of the things discussed during the budget meetings.

Robert Burden asked if the City couldn't cut some Police Officers. He believes way too many Officers responded to the recent truck and Front Runner accident. When a Sunset cop shot his dog about 30 years ago, there were seven or eight cops there. Mayor Pro-Tem Chapman explained when an accident like the truck/train one happens there could be multiple victims, so they send out all resources in the area. Mr. Burden was asked how many Officers he believes Sunset has and he replied he believed there were probably 20 by now. Chief Eborn replied there are eight full time Officers and that is the amount needed to cover Sunset 24 hours a day, seven days a week. Mr. Burden asked what they were supposed to do when they are on a fixed income and the City is asking for a big tax increase.

Robert Bremer asked what capital improvements are planned for this coming year. He would like to see more water pressure. He only has a little stream of water coming out of his kitchen faucet. Recorder Hale explained the \$14,000 in the Public Works Capital Project Fund is to purchase radio read water meters this year.

Larry Smith said he understands the City needs money and believes raising the property tax commiserate with the cost of living would be a better way to go rather than a 56% increase all at once. He said when he moved into Sunset in 1981 his bill for water, sewer and garbage was \$16.00 and now it is over \$48.00 so that has kept pace. Mayor Pro-Tem Chapman tried to explain if the previous Councils had been increasing the property tax commiserate with the cost of living this year's increase could have been low also, but now they have to catch up.

Heather Wokurka asked what the "use of fund balance" item was. Recorder Hale explained the City receives revenues and after all the expenses have been paid it is what is left and the amount has been building up over the years. Now they have to use a portion of it to balance the budget. Council Member Furniss clarified it was like a savings account that has been saved over the years and is now being used. Mrs. Wokurka asked about the \$60,795 increase in the Police budget. Recorder Hale said it was mostly due to the increase in employee medical insurance premiums and a \$15,000 payment for two new police vehicles. Mrs. Wokurka asked what CDBG stands for. Recorder Hale replied it is for Community Development Block Grant. Mrs. Wokurka asked what part Sunset will have in Falcon Hill to be able to help us not have these 56% property tax increases. Council Member Furniss explained it will be a commercial district and they are looking at a sales tax sharing concept, but it has not been decided because it is a unique situation with the development being on Federal land. The bad economy has stalled the project so they do not know when it will start. Police Chief Eborn said he does not have an explanation of the increased Police budget and hopes they will look at the figures because he believes something is wrong. The budget he submitted is significantly less than last year's budget. He told of the Department Heads meeting with the Council long into the night on several occasions going over items to trim and ways to cut spending. They have cut to a bare bones budget. If the Police Department were to cut a Police Officer, the Department could not maintain coverage 24 hours a day,

seven days a week. If the residents want less coverage they could discuss that option. None of these Council Members have enjoyed having to propose this property tax increase. They have all looked at everything they could think of and are open to more ideas.

Gordon Rock asked who enforces the ordinances because some like the junk ordinances don't seem to be enforced. Council Member Budge said the Police Department is trying hard to take care of those types of ordinances this year and asked residents to let them know of the ones they see so they can be taken care of. Mr. Rock said that might be some revenue for the City. Robert Bremer wanted to talk more about the junk ordinances, but was told they would talk about this during general information because this public hearing is for the property tax and budget.

Les Moore said he has been a resident of Sunset for a little over 50 years and he pushed to get the Police Officers raises so the Officers will quit going to other cities. He responded to the question of combining services with other cities and said if the Fire Department were to do that the residents' insurance would go up due to the higher response time. He understands the sales tax has gone down because people just aren't buying as much as they used to. He is not in favor of the increased property tax, but believes it is essential to maintain the present services.

Dax Gurr suggested promoting the local businesses as a way to generate revenue for the City.

Mayor Pro-Tem Chapman asked if there were any other comments and there were none.

Council Member Budge made a motion to go out of the public hearing and back into the regular session. Council Member Furniss seconded the motion. The motion passed unanimously.

### **REGULAR SESSION**

Mayor Pro-Tem Chapman said the Mayor does not normally have a vote on items, but advised that as a Council Member first and the Mayor Pro-Tem second, he still maintains his voting right so he will be voting on the next two agenda items. Council Member Furniss said it made more sense to him if they adopted the Certified Tax Rate before adopting the budget so he suggested reversing items four and five. The Council agreed.

- 5. Resolution 2010-11 adopting the certified tax rate:** Mayor Pro-Tem Chapman explained this resolution is to adopt the tax rate of 0.002138 which is the rate for the tax increase.

Council Member Furniss thanked the citizens for attending. He promised the Council has not made this decision easily; it has taken many long nights. He understands tight budgets with making a meager wage and having three small children. When he ran for this office he thought there was a lot of waste in City Government. He now knows that is not true. They have done everything short of cutting crucial services before considering a property tax increase. Unfortunately, other than cutting services for the residents, he sees no other option right now. He understands the residents' frustration and thanked them for their comments.

**Sunset City Corporation**  
**City Council Minutes**  
**August 17, 2010**  
**Page 7 of 9**

Council Member Budge said last year, she voted against the property tax increase because she did not believe it was necessary. This year she believes it is. If they were to have a major pipe break, the City would not have the funds to do it.

Mayor Pro-Tem Chapman said he has worked as hard as he could to keep the increase to a minimum. He believes they have done a good job. He does not want the increase, but it is necessary.

Council Member Andrews said when he ran for office he did not want a tax increase. He sees they have to this year. He has tried to raise money for the City by doing a swap meet, but it has not been successful because no residents have tried to sell their wares or helped him on it. He hopes his other ideas for raising revenue will work because he does not want to have to make a decision to raise taxes again. He does not like it anymore than the residents do. It has hurt him deeply to cut employees down to part time, which cut their salaries in half and cut their insurance out completely.

Council Member Carlson said his wages were cut 10% this year and he really hates raising taxes on himself. They spent hours and hours trying to hammer out the budget and they've had to make some really hard decisions. He understands where the residents are coming from, but they have to do it. After all is said and done, he is glad he is living in Sunset and in this Country. He just read where a young couple got stoned to death because they were accused of adultery. That just makes him grateful for living in this Country and City. The City's 56% increase will cost him about \$55.00 per year, but compared to the overall tax bill it is not too much. Davis County can raise taxes just a little bit and receive a lot of revenue, but Sunset only has about 1,700 properties so a big percent increase does not generate a lot of revenue for the City. He appreciates all the residents who attended, commented and cares about their City.

Larry Smith said the Council had already made their decision before the public hearing. Council Member Carlson replied they had made the decision to propose the tax increase and start the process. Mayor Pro-Tem Chapman said most of them would like to be talked out of the increase. He asked the audience to give them another idea to meet the expenses. He believes the residents have tried to talk them out of it and he appreciates their passion, but there have been no solutions given.

Council Member Furniss made a motion to approve Resolution 2010-11 adopting the certified tax rate. Council Member Carlson seconded the motion. The motion passed unanimously with a roll call vote. Council Member Andrews – aye, Council Member Carlson – aye, Mayor Pro-Tem Chapman – aye, Council Member Budge – aye, Council Member Furniss – aye.

4. **Resolution 2010-10 adopting the operating budgets for fiscal year 2011:** Mayor Pro-Tem Chapman introduced the resolution.

Council Member Budge made a motion to approve Resolution 2010-10 adopting the operating budgets for fiscal year 2011. Council Member Furniss seconded the motion if the

**Sunset City Corporation**  
**City Council Minutes**  
**August 17, 2010**  
**Page 8 of 9**

motion will be amended to adopting the resolution after checking on the police budget for any error. Council Member Budge agreed with the amendment. The motion passed unanimously with a roll call vote. Council Member Andrews – aye, Council Member Carlson – aye, Mayor Pro-Tem Chapman – aye, Council Member Budge – aye, Council Member Furniss – aye.

6. **Council Member reports and general information (continued):** Mayor Pro-Tem Chapman welcomed Robert Bremer back up to talk about City ordinances. Mr. Bremer said he would like clarification on the weed, junk and abandoned vehicle ordinance because there are some properties that have high weeds and/or abandoned vehicles. Council Member Furniss said as a government entity they cannot just go onto a property and cut down the weeds, but they are reviewing ways to clean up abandoned properties and attach the bill to the property. Police Chief Eborn explained the ordinance states any vehicle with an expired registration over 30 days can be considered abandoned. He believes that is harsh, so he has instructed the Officers to only cite the owners of abandoned vehicles that have weeds growing around them, are dismantled and not being worked on or are up on blocks and appear to be a danger. If the abandoned vehicle is intact and is not registered just because the owner does not have the money right now, but plans to get it done in a short time and the vehicle is the only issue on the property, they will work with the property owner. He takes orders from the Mayor and Council and if they want him to rid the City of all vehicles considered abandoned by statute, he will do so. Council Member Furniss mentioned the Council recently passed an ordinance that only requires one notice of violation for weeds, junk, etc. instead of one notice per growing season so that should make the process go a little quicker. Chief Eborn reminded everyone that once a citation goes to court, it may take a long time to come to a settlement and in the mean time the property owner will not clean up the property. Mr. Bremer asked about having an Officer ride a bicycle during the summer for a more personal interaction with residents. Chief Eborn explained the Department does have a police bike, but most of the time there is only one Officer on duty at a time and if that Officer is riding a bike he wouldn't be able to respond to a major incident quickly and he cannot transport a prisoner to jail. Sometimes when they have had double coverage, they have used the bicycle.

Dorothy Watt said she has been a resident of Sunset for 55 years and she gave the Police and Public Works Departments a big thumbs-up.

Council Member Andrews said when he was campaigning, one of the biggest complaints he heard was the weeds and junk in yards. He is trying to get that taken care of.

Council Member Furniss thanked Mayor Pro-Tem Chapman for taking the hot seat tonight in Mayor Bangerter's absence. Mayor Pro-Tem Chapman said Mayor Bangerter is on the Wasatch Integrated Systems District Board and they were flown to Boston to view a new idea another City has implemented to see if it might work here.

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

**Sunset City Corporation  
City Council Minutes  
August 17, 2010  
Page 9 of 9**

The meeting adjourned at 8:25 p.m.

These minutes have been read and approved at the regular City Council meeting held **September 7, 2010.**

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Chad Bangerter, Mayor

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Susan R. Hale, Recorder