

Sunset City Corporation
City Council Minutes
November 18, 2008
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Minutes of a regular meeting held November 18, 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
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
Vicky Gold	Recreation Supervisor
Norm Noyes	Asst. Public Works Director
Amy Kippen	Fire Fighter
Rebecca Davis	Fire Fighter

Excused:

Cheyrl Budge	Council Member
Mickey Hennessee	Public Works Director

Others Present:

Carla Wiese	Day & Associates
Bryan Cobb	Planning Chair
Brad Weller	Planning Commission
Chad Bangerter	Planning Commission
Jason Gabbert	Planning Commission
Brian Parker	Planning Commission
Chris Haller	Planning Commission
Aric Haarala	Youth City Council Advisor
Tommy Miller	Youth City Council Advisor
Kim Smith	Standard Examiner
Pam Furniss	Jesse Nelson
Joshua Furlong	Jordan Ringer
Wynona Bothwell	

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 November 4, 2008 as amended. Council Member Chapman seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Bridges made a motion to approve the voucher for Leon Poulsen Construction in the amount of \$44,711.45. Council Member Carlson seconded the motion. The motion passed unanimously. Council Member Furniss asked Asst. Director Noyes how far along they were on the CDBG Ramp Project. Asst. Director Noyes replied they were about 75% complete. Council Member Furniss stated he was very pleased with Leon Poulsen Construction's progress and they've been very tidy around the work sites. Mayor Gotchy said a lot of wheelchair bound people are thankful for the ramps and he is as well.

Council Member Chapman made a motion to enter the public hearing. Council Member Bridges seconded the motion. The motion passed unanimously.

PUBLIC HEARING

1. **Annexation Policy Plan:** Mayor Gotchy asked Planning Chair Cobb to present the annexation policy plan to the citizens. Chair Cobb used the map posted to the side to explain the changes made. They were made because some of the plats they used the first time were not correct.

Council Member Furniss thanked him and the Planning Commission for their hard work on this and said there is a portion of the map in the draft General Plan that does not reflect one change they made. Chair Cobb stated that would be corrected before the General Plan is adopted.

Mayor Gotchy opened the meeting for public comment. There were no comments.

2. **FY09 Budget Amendments:** Mayor Gotchy explained the reason for this public hearing is because they need to open and increase the budget due to employee wages being increased by \$2.50 per hour for full-time and \$1.50 an hour for part-time. He opened the item for public comment.

Chad Bangerter stated when he was a Council Member two years ago there was a \$40,000 shortfall and they had to increase property taxes. He is concerned because now they will be looking at a potential tax increase next year. He believes the wage increase will raise the budget over \$140,000 to be made up by the taxpayers. He knows the raise this year came about because of money not used, but he is concerned about next year. He believes raises are important, but after some research he found that very seldom did any large organization or government entity give a \$2.50 per hour raise to every full-time employee. There were bonuses, but not that type of raise. At a time when it looks like society is going into an economic downfall where there are cutbacks, shortfalls and people are being laid off he believes it will be difficult next year for the Council to explain to the residents that their taxes will be raised by about \$30.00 per year according to his estimate. There were quite a few people upset about the increase last time. He does not want the employees to think he is

saying they don't deserve raises because they do deserve raises, but they need to realize most of the employees receive up to a 3% raise a year plus the 4% COLA they were given this year. He does not believe this wage increase has really fixed the problem it was intended to fix. There was a problem with a few Police Officers who were underpaid compared to other departments in the area and those Officers are still underpaid. The Detective is still almost \$2.00 per hour under the same position in Clearfield. Then there are other Officers that are now making more than a starting wage in other cities. There were a few things presented he believed were fair during the discussion. He liked Police Chief Eborn's proposal that gave different raises to different Officers. From what he saw in the minutes he was the only one who did that, the others asked for across the board raises due to morale issues or whatever. He hates to see taxes raised. He was involved in the tax increase a couple of years ago, but that was to cover a shortfall. He would like to see this issue reviewed again as far as if it solved the problem it was meant to or if it is just creating a problem on the other end.

Mayor Gotchy asked if there were any other comments. There were none. He addressed the comments made by Mr. Bangerter. First, a large amount of residents attended a meeting and said they would have no problem paying extra taxes to fund the increase in wages. On average straight across the board, the Sunset employees are not paid even closely to what other cities are paying their employees. That is the reason for the increase; to try to get them close to the average. The past Councils have kept them under paid and now this Council had to raise it dramatically to get them even close to average. Second, he does agree that taxes will probably have to be increased, but he estimated it would only be about \$2.50 per month per household. That is a small amount to pay to keep the Sunset Officers from going to other cities and having to pay the costs of training new Officers. The Office Staff has three or four different jobs they each hold down and a \$2.50 raise is cheap compared to what they do. The City is getting a wonderful bang for its buck. He stated he appreciated what Mr. Bangerter said, but he is not seeing the whole picture.

Council Member Furniss stated he feels similarly to Mayor Gotchy. He is the one who started the wage survey after looking at other cities and finding Sunset's employees were grossly underpaid. The employees do multiple tasks. He disagreed with Mr. Bangerter's statements about past finances. He noted that the previous Council Member sponsored a \$300,000 purchase of property and \$100,000 on a skate park. He believes that money should be in employees' pockets, not in two vacant homes. He does not believe that \$2.50 a month increase in taxes is unbearable. It seems the residents want the City to provide great services, build a skate park, etc., but not expect taxes to increase. That is not how it works. If more is spent, more income has to be raised. The gap between the City's revenues and expenditures have increased, that is why taxes need to be raised from time to time. Syracuse City raised their taxes 13% last year to get their employees an increase. He believes the Sunset employees deserve the raise and does not see \$2.50 a month as a hardship on the residents.

After some discussion, Chad Bangerter was able to make another comment. He said Council Member Furniss attacked him personally and Mayor Gotchy made the comment that in October the residents stated they approved the wage increase, but they were under the impression it was for the police officers, not all employees. Mayor Gotchy said they did talk

about all employees receiving the increase at that meeting. Mr. Bangerter said most of the residents' comments were about the Police Officers. He said the skate park was built using money received from the sale of the cell tower lease. The properties were purchased with Economic Development money, which it was designed for. He compared Sunset to Syracuse and said Sunset is not going to grow like Syracuse and of course Syracuse's employees will receive raises. Mayor Gotchy asked when the last time before two years ago property taxes were raised in Sunset. Mr. Bangerter replied there was a Mayor who actually lowered taxes. Mayor Gotchy commented it had been over 12 years since taxes had been raised and asked Mr. Bangerter if he expected the City to operate on the same level of income for all those years when costs have increased. Council Member Furniss asked Mayor Gotchy if he would move the hearing along because he felt Mr. Bangerter was just going to continue to bicker. Mr. Bangerter said he could finish his comments because this was a public hearing. He asked why they came up with an extra \$140,000 to pay for the wage increase. If the City was \$40,000 short two years ago, he asked how there is extra money now. If they look at other cities with a population of 6,000 in Utah, they will find that Sunset's employees' wages were very close to what those employees' wages are.

Council Member Furniss stated Mr. Bangerter has expressed his concerns, continues to go over them and they need to move along. Mayor Gotchy asked if there were any other comments. There were none so he asked for a motion to end the public hearing.

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

REGULAR SESSION

Citizen Comments: Chad Bangerter referred to the discussion on overnight parking enforcement at the last Council meeting. As being involved in the COPs program in the past, he believes the overnight parking ordinance needs to be enforced. If the Council does not like the ordinance, it needs to be changed. He heard Mayor Gotchy and a Council Member basically tell the Police Chief to overlook that ordinance. In the minutes, it states a Police Officer said Mayor Gotchy told them to overlook the ordinance and not write tickets. If he has in fact told them to do that, he believes Mayor Gotchy has violated the oath he took to enforce the laws of Sunset. If he does not understand the purpose for the ordinance, he needs to look into it. If it is because he has a daughter who is 16 and now driving and they need more room, he needs to look into expanding his driveway or buying a new house. He can't just violate the law and, because he sits on the Council, tell the police to overlook the ordinance. There are safety and burglary reasons for that law. He would really like to see the ordinance enforced, even in the summertime.

Mayor Gotchy addressed Mr. Bangerter's comments. He said he told the Officer he was not there to have them write tickets just for the sake of writing tickets. He wants warnings to be issued first, and then issue a ticket if it happens again. He believes they need to err on the side of the citizens. If Mr. Bangerter considers that not upholding his oath, he disagrees with that. He also stated he did want the ordinance strictly enforced during the winter. He asked if there were any other comments. There were none.

3. **Presentation of General Plan:** Mayor Gotchy expressed his appreciation for all the hard work done on the General Plan. He asked Carla Wiese of Day and Associates and Planning Chair Cobb to present the plan.

Planning Chair Cobb stated the Planning Commission started the project over a year and a half ago and had anticipated it only taking three or four months. It took a little longer, but they feel they have a polished document. The Planning Commission, with input from the Mayor and Council, met with Day and Associates to plan how they would like to see economic development occur in Sunset. They want to allow commercial growth without compromising the residential characteristics of Sunset. He asked if there were any questions.

Mayor Gotchy stated he likes what he has seen; it is well thought out and well put together. Ms. Wiese said she understood there was an amendment to the annexation policy plan and she will contact Recorder Hale so she can incorporate it into the General Plan before final adoption.

Council Member Furniss said he just received the General Plan today so the Council Members will review it and have more questions and/or comments for the next Council meeting. He expressed his thanks to Ms. Wiese and the Planning Commission.

Ms. Wiese advised the Council that State law does not require them to have a public hearing, but it does not preclude them from holding one if they believe it would be beneficial. The Planning Commission held their required public hearing and there was not much negative comment about the plan.

Mayor Gotchy asked if there were any other questions or comments. There were none. He thanked Ms. Wiese and Chair Cobb for their time.

4. **Resolution 2008-11 – FY09 Budget Amendments:** Mayor Gotchy explained this resolution is to amend the budget as discussed during the public hearing. He asked if there were any comments. There were none so he asked for a motion.

Council Member Bridges made a motion to adopt Resolution 2008-11 amending the FY09 budgets. Council Member Furniss seconded the motion. The motion passed unanimously with a roll call vote. Council Member Bridges – aye, Council Member Carlson – aye, Council Member Furniss – aye and Council Member Chapman – aye.

5. **Resolution 2008-12 – Annexation Policy Plan Amendment:** Mayor Gotchy stated this resolution is to adopt the amended annexation policy plan. There was no discussion.

Council Member Carlson made a motion to adopt Resolution 2008-12 amending the annexation policy plan. 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 Furniss – aye and Council Member Chapman – aye.

6. **Resolution 2008-13 – Adjustment to the Salary Compensation Schedule:** Mayor Gotchy explained this resolution is to amend the salary compensation schedule.

Council Member Furniss noted that, even with the wage increases given, the employees are still below comparable cities with comparable jobs. He is grateful the Council Members all agreed to increase their wages to try to get them more in line with other cities.

Council Member Furniss made a motion to adopt Resolution 2008-13 adjusting the salary compensation schedule. 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 Furniss – aye and Council Member Chapman – aye.

7. **Discuss possible Reagan Billboard Sign:** Council Member Furniss stated, with him being over Economic Development, he constantly worries about bringing in revenue. They used to have a few more things that brought in revenue such as a cell tower that was sold and a football program. The City has purchased three lots, one right on Main Street. There are not a lot of homes in that area, so he contacted Reagan Outdoor Signs to see if they would want to lease the lot on Main Street for a billboard sign. He proposed a lease agreement that would bring in a substantial amount of revenue to the City. The City's current ordinance only allows three billboard signs, which the City already has, so he contacted City Attorney King. Attorney King said the ordinance could be changed. The City and sign are in compliance with Utah Code governing billboard signs. They are still in the bargaining process, so he declined to discuss money. He asked the Council to review the lease agreement along with the City Attorney's opinion letter which contains some items Attorney King would like changed in the agreement. Council Member Furniss believes this would be a good way to bring in some needed revenue to the City. There were a few hard feelings with the Reagan sign that was erected at the north end of the City. He mentioned that to the Reagan representative and he was assured this would go much smoother and that he will stick to his word. He asked if there were any questions.

Council Member Chapman asked if they would be able to limit what would be advertised on the sign. Council Member Furniss stated that was a great question and said he would follow up on it. The agreement can be changed to meet the Council's needs.

Mayor Gotchy stated Reagan had previously erected a sign above Al's Furniture and the height proposed and approved by the Planning Commission and Council was much smaller in size and height than what was erected. It turned into a bad situation and he was not impressed with them. If the Council decides this is what they want to do, he would like to see some stringent regulations placed upon them so they don't just do what they want like last time. Council Member Furniss said the unique thing with this is that they will be dealing directly with the City because the sign will be on City owned property. He feels those concerns will be satisfied because of that.

Council Member Chapman said the Attorney stated in his opinion that this can be done provided there is compliance with Utah law. It seems he didn't research the law yet. Council Member Furniss explained he met with Attorney King and he read the code with him. A lot of the code deals with lighting, etc.

Council Member Furniss suggested they table this item. They are not prepared to move on it; he just wanted to present it for their consideration. They discussed holding a work meeting on the issue. It was decided to hold a closed session because they will be discussing the lease amount and they do not want to lose their bargaining power with other sign companies. The closed session will be held at 6:00 p.m. before the regular session on December 2, 2008.

8. **Discuss lease of City well:** Council Member Furniss informed the residents the City has a well. With the City being small it is actually cheaper to purchase the water from Weber Basin Water. The cost of maintaining the pump is very high and the well is sandy. When the water comes up, it has to go into a settling tank before it becomes drinkable and that would be quite expensive to build. This issue had been brought to their attention by Public Works Director Hennessee, who oversees testing and maintaining the well. He said it would cost around \$150,000 to make the needed improvements to the well. This issue is not new; it has been addressed by Mayors Galbraith and Isom in the past, but never went anywhere. Another matter the City faces is forfeiture of its water rights if the water is not used. The water Attorney Sunset currently has on retention advised them to do something with the well so they don't have to surrender the rights. Council Member Furniss met with Weber Basin people and he felt the first lease amount proposed was too low. He has now received an email from Weber Basin outlining the dollar amount they would pay Sunset per acre foot. The pump house might need to be expanded, some security measures would need to be implemented and they would need to build a below ground settling tank. The City would need to surrender some of the parking lot for them to bury the settling tank. It would probably only be the size of a couple of parking stalls and he does not believe that would be a problem. In the past there have been some comments that, should there be a disaster, they wanted that water available. If a natural disaster occurs, Weber Basin would not hold the water back. He would like a copy of the lease to go before the water Attorney for review. He asked if there were any questions.

Council Member Carlson said he is glad they are finally moving forward on this; it has been talked about for many years.

Mayor Gotchy definitely wants the lease to be reviewed by the water attorney and also have a work meeting on this issue. They discussed when to hold the work meeting and decided to have it at the December 16th meeting.

9. **Discuss allowing Council Member Furniss to attend an out of state training:** Mayor Gotchy advised Council Member Furniss discussed this with him. He was able to get a grant to pay for this training and Mayor Gotchy told him he feels the Council should have some input on this issue.

Council Member Furniss stated he received notice of this conference in New Mexico through the mail. The Council Members have the opportunity to attend conferences and some valuable contacts and resources have come from attending these conferences. He is over Economic Development and wants to be educated so when he represents Sunset, the City is not taken advantage of. He used a Power Point presentation to point out the benefits of this conference to Sunset. Networking is very important as shown by the benefits received from attending the Utah League of Cities and Towns conferences. Some of contacts made at the ULCT conferences are a lady who put him in contact with Stuart Adams, Chairman of the MIDA Board, Steven Clyde, who became the City's water Attorney and Lincoln Shurtz, the lobbyist for the ULCT who he has talked to about helping Sunset with MIDA. The City does not have a full-time Economic Advisor or a City Planner, therefore residents rely on the Council Members to know about the issues facing Sunset. They learn of these issues from conferences. Experts in their fields from all over the Nation will be giving the training, such as upper level management personnel from Smart Growth America, EPA, Urban Planner, Walkable Communities, FEMA, Housing and Economic Development, Land Policy, AARP, Federal Transit Administration, Safe Routes to School and Underground Storage Tanks to name a few. The conference would be an invaluable opportunity to learn from other cities. He noted Mayor Gotchy had the opportunity to allow him to go to this training without going before Council and he admires him for allowing the Council to help make this decision. The total cost to the City for his airfare, lodging, rental car and dinners would be approximately \$725. He gave other options such as driving his personal vehicle to the conference, driving a City vehicle and not attending at all. He clarified that he applied for and he received a scholarship, not a grant, to attend this conference. It covers all tuition, breakfasts and lunches which would come to about \$450. He asked if there were any questions.

Council Member Bridges stated, the way Council Member Furniss gets into issues, he'll use the contacts he makes to benefit Sunset and will bring good information back to them. He supports him attending this conference.

Council Member Chapman said he looked into the conference online and there are 11 pages of presenters and a lot of options for education. The only concern he has is setting a precedent, but he believes it can be good and they will just need to review every request smartly. He believes Council Member Furniss is the perfect person to attend this conference.

Council Member Bridges made a motion to approve Council Member Furniss attending this conference in New Mexico. Council Member Carlson seconded the motion. The motion passed unanimously.

- 10. Council Member reports and general information:** Council Member Chapman introduced Tommy Miller, who will be helping Aric Haarala with the Youth City Council. He has great ideas for the program. Aric Haarala said it is great to have another advisor. All the other Youth City Councils have at least two advisors and it is hard for him to meet with the Youth Council with their conflicting schedules. It will be nice to have someone who can be there when he can't. He believes Mr. Miller will be a great asset to the Youth City Council.

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Council Member Chapman said the Youth City Council will be sworn in at the December 2nd Council meeting.

Council Member Bridges thanked Planning Chair Cobb and the Planning Commission for their work on the Annexation Plan and General Plan. Chair Cobb said they had a lot of good input and support and thanked the Council for acknowledging their work. He said two former Commissioners put in a great deal of work on the General Plan and they are Marci Oltmanns and Steve Mullins. Council Member Bridges thanked all of those involved in the General Election. He believes the process in Sunset went very smooth. He also thanked the Department Heads and employees for the great jobs they do and for always being so upbeat every time he talks to them.

Council Member Carlson thanked the Planning Commission for their work on the General Plan. A teleconferencing ordinance was discussed during the last Council meeting and he hopes to have something to present to the Council at the next meeting. As he has been walking around the City, he noticed the ADA ramps look very good and he is impressed by the craftsmanship of the construction company.

Council Member Furniss appreciated everyone listening to him tonight. He said they are in challenging times and he is doing everything in his power to represent Sunset, look out for its interests and take care of its employees. He does not regret for a second their wage increase. At the Falcon Hill groundbreaking, he introduced himself and Mayor Gotchy to Senator Hatch and asked for his help with HAFB. Senator Hatch is very influential in Washington and his Chief of Staff talks with the base almost daily. Senator Hatch told him if they have any issues with the base to call him and gave Council Member Furniss his personal cell phone number. He is very sympathetic to Sunset's cause and understood that Sunset should have a vote on the MIDA Board. Right now Council Member Furniss' concerns on that issue are lessened because of their relationship with the current Chairman, but he is concerned for the future when he is no longer on the Council and the current Chairman resigns. He wants to continue to protect Sunset's interests in Falcon Hill and that can only be assured by a vote on the MIDA Board. Lincoln Church, the Utah League of Cities and Towns lobbyist, is willing to come to a Council meeting, hear their concerns and take that before the legislative body. He thanked the Council for allowing him to attend this conference and noted it will also come as an expense to his family in that he will have to use his vacation days to attend the conference. He promised to come back with good information. He noted that the ADA ramps are being installed with CDBG money that Director Hennessee applied for. He advised the North Davis Sewer District is raising rates by \$1.20 per month.

Police Chief Eborn advised the flags used in the Pedestrian Flag Program were checked today and they are only down about 25 flags. They were expecting to lose many more than that. Mostly the flags are wearing out due to weather instead of being taken. With the donation money Mr. Bangerter was able to raise, they will be able to fund the program for a long time. When Mayor Gotchy took some people from UDOT on a tour of Sunset, they were concerned about how the flags were attached. Chief Eborn said he vaguely remembers hearing that Director Hennessee had received an email stating UDOT wanted them removed,

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but understands Director Hennessee sent an email to them requesting them to attend a Council meeting to let the Council Members know what the reason was. He does not think Director Hennessee has heard anything back from them. As far as he is concerned, Chief Eborn believes they should leave them up until they tell them why they cannot be there.

Recreation Supervisor Gold reminded the Mayor and Council of the Student of the Month lunch with the Mayor tomorrow at 11:30 a.m. She said Mayor Gotchy cannot attend and asked if a Council Member could. Council Member Furniss said he would be there. Supervisor Gold advised the Seniors Christmas Luncheon will be at noon on December 8th in the Sunset Room. She is trying to get ice sculptors to attend the February 2nd Sunset Sam celebration and participate in an ice carving contest. She is also planning to have some games to play and serving hot chocolate and donuts. It is on a Monday, so she is thinking about opening the annual art show that night to entice people to attend the art show as well. During December, she is considering asking the Sunset Jr. High and Elementary Schools to hold a choir performance in the Sunset room one time a week for the senior citizens. She has also talked with someone about teaching an art class.

Treasurer/Office Manager Youngdell reported on the debit/credit card issue. She has gotten the agreement in progress and it should be installed in December. The contract is being reviewed by City Attorney King now. She advised the City owned rental house on 1600 North has now been rented out again.

Assistant Public Works Director Noyes thanked the Mayor and Council on behalf of all the City employees for the wage increase. It really proved to them that they care. He advised there will be a few more ADA ramps included in the CDBG project and it will still come in within budget.

Fire Chief Coker said Santa Claus will be riding around on a fire truck during the morning of December 6th and then will be in the Sunset Room for pictures and activities with the kids. He reported Sunset was called out to assist with a suspicious package incident at Syracuse Jr. High today. There were four Fire Departments, several Police Departments and other Federal Agencies working on the incident.

Mayor Gotchy stated his appreciation for the people in attendance at tonight's meeting.

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

The meeting adjourned at 7:50 p.m.

These minutes have been read and approved at the regular City Council meeting held **December 2, 2008.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder