

**Sunset City Corporation  
City Council Minutes  
December 2, 2008  
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Minutes of a regular meeting held December 2, 2008 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Gotchy presiding.

**6:00 p.m. CLOSED SESSION**

Council Member Chapman made a motion to go into the closed session. Council Member Bridges seconded the motion. The motion passed unanimously.

**1. Strategy session to discuss collective bargaining in accordance with Utah Code 52-4-205**

**(1)(b):** This item was discussed according to Utah State Code 52-4-205(1)(b), strategy sessions to discuss collective bargaining.

Present: Mayor Dan Gotchy, Council Member Bridges, Council Member Carlson, Council Member Chapman, Council Member Furniss and Recorder Hale.

Council Member Chapman made a motion to adjourn this closed session. Council Member Furniss seconded the motion. The motion passed unanimously.  
Closed session adjourned at 6:20 p.m.

**6:30 p.m. REGULAR SESSION**

**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
Jerald Jensen	Judge

**Excused:**

Cheyrl Budge	Council Member
Mickey Hennessee	Public Works Director

**Others Present:**

Bryan Cobb	Planning Chair	
Carla Wiese	Day & Associates	
Chad Bangerter	Planning Commission, VIPS, CERT, Citizen Corps.	
Aric Haarala	Youth City Council Advisor	
Tommy Miller	Youth City Council Advisor	
Jacob Gittins	Kathy Gittins	Gary Gittins
Katie Gittins	Adam Schulz	Rod Schulz
Sarah Schulz	Conner VonAlmen	Briana Gotchy

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

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

**Approval of Minutes:** Council Member Furniss made a motion to approve the minutes of November 18, 2008 as presented. Council Member Chapman seconded the motion. The motion passed unanimously.

**Citizen Comments:** There were none.

## **REGULAR SESSION**

**2. Presentation of Fiscal Year 2008 Financial Report:** Jeff Ambrose, CPA of Crane, Christensen & Ambrose, thanked the Council for allowing him to present the FY09 CAFR. He acknowledged the great employees the City has, especially Treasurer/Office Manager Youngdell and Recorder Hale for helping him with any questions he had. He explained that the firm of Crane, Christensen & Ambrose audit about 19 governmental entities. Only two of them write their own CAFR and Recorder Hale is one of them. It saves the City money and is more meaningful because she can answer questions about it. About two years ago the Auditing Standards Board of the American Institute of Certified Public Accountants added about thirteen new statements on auditing standards. This is the first year Sunset's audit has been performed under those standards and that caused him and his staff a little extra time to conduct the audit. He then summarized the Audit Report, stating that they were able to give Sunset City an unqualified opinion, which is the highest level they are allowed <sup>1</sup>[to] render. The City had an increase in net assets of about \$214,000 and a decrease of \$177,000 in liabilities, which means the City was able to pay off some of its debt. The City's equity to debt ratio is 2.92 to 1, which means there is nearly three times as many dollars in net assets as in total liabilities. That is a good ratio to have. The City received a clean report other than two minor findings. The first one was that the City's fund balance is greater than the 18% allowed. That item is being addressed in FY09. The second was that the Court did not submit the State surcharge amounts to the State by the 10<sup>th</sup> of the month five times during the year. A new process has been implemented to correct that finding. No departments had expenditures over budget and overall, the City is in good financial shape. He asked if there were any questions or comments.

Recorder Hale advised that Mr. Ambrose helped her tremendously in writing the CAFR and helps her and the City throughout the year. She stated her great appreciation for his help.

Council Member Furniss asked by how much the City is still exceeding the 18% fund balance limit. Mr. Ambrose answered by about \$200,000 this year so the steps taken last year weren't quite enough. This is a good kind of problem to have, especially when the reports they are hearing is that revenues may decline.

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<sup>1</sup> Amended during December 16, 2008 Council meeting.

Council Member Bridges said they appreciate Mr. Ambrose and said he does a great job for the City. Mayor Gotchy thanked Mr. Ambrose for his time as well.

- 3. Swear in Sunset Youth City Council:** Youth City Council Advisor Aric Haarala introduced Youth Mayor Gary Gittins, Youth Mayor Pro-Tem and Council Member Conner VonAlmen and Youth Council Members Jacob Gittins, Briana Gotchy and Adam Schulz. He said he is excited to have these kids in the Youth City Council. They take a lot of time out of their busy schedules to help with the community.

Recorder Hale administered the oath of office to them. The Mayor and Council Members shook their hands in congratulation. Mayor Gotchy said they do put in a lot of time and effort and they benefit the City in many great ways.

- 4. Ordinance 2008-07 – Adding a section outlining electronic meetings in Sunset City Code:** Council Member Carlson explained this ordinance would provide a way for a Council Member who cannot be physically present to still participate in the meeting electronically. He obtained the ordinance from another City and edited it to work for Sunset. City Attorney King has reviewed it and only added a sentence in paragraph 3 that reads, “All electronic meetings shall comply with the Utah Open and Public Meetings Act.” He asked if there were any questions or comments. Recorder Hale stated she contacted the Recorder in West Point City and they have not actually held an electronic meeting yet, but they just plan to use a speaker telephone during the meeting.

Council Member Furniss stated it is a good ordinance. He attends many MIDA meetings where some Board Members call in to attend the meetings because their jobs sometimes preclude them from actually attending. His only caution is that they don't abuse it by using it unnecessarily. It is for extreme cases. For example, Council Member Budge would be a good candidate right now because she is having medical problems and is unable to attend. They still value her opinion and vote. Mayor Gotchy asked if they should define emergency situations. It was discussed and decided not to unless it becomes a problem.

Council Member Furniss made a motion to adopt Ordinance 2008-07 allowing for electronic meetings. 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, Council Member Chapman – aye.

- 5. Resolution 2008-14 – Adopting the Sunset City General Plan:** Carla Wiese of Day and Associates stated she has made the changes asked for in the revised General Plan. The Fire Chief had asked that they reword a section so it did not sound as if the Fire Station and Public Works Building had to be built together. The other change was to amend the map to follow the Annexation Policy Plan. She told the Mayor and Council what a pleasure it has been to work with the Planning Commission and members of the Council. The Planning Commission has spent a lot of time and effort to make sure the General Plan is a good product. She appreciated that the Council Members were involved in a work session so that they didn't have to go through the process twice.

Mayor Gotchy stated he appreciated all the time Ms. Wiese and the Planning Commission have spent working on the plan.

Council Member Furniss stated he did not have a copy of the final draft and asked for explanation regarding the fire station change. Ms. Wiese read the paragraph to the Council. The Council was satisfied with the change.

Council Member Chapman mentioned the plan outlines that the parks do not allow animals, but the Council has passed an ordinance allowing dogs in South Park. This was discussed and it was decided to change "The parks" to "designated parks". Council Member Chapman then mentioned a typo on page 12 which Ms. Wiese said she would correct.

Council Member Furniss made a motion to approve Resolution 2008-14 adopting the Sunset City General Plan. Council Member Chapman seconded the motion. The motion passed unanimously with a roll call vote. Council Member Bridges – aye, Council Member Carlson – aye, Council Member Furniss – aye, Council Member Chapman – aye.

Ms. Wiese suggested a couple of items to go along with the General Plan. One is that the Affordable Housing Plan is required to be reviewed by the Council every two years so she recommended they take the time to do that so they are in compliance with the law. The second one is that there were some recommendations made regarding building along some commercial areas, so they might want to review the City's zoning to make sure it coincides with the General Plan.

- 6. Resolution 2008-15 – Appointing a member to the Board of Trustees of the North Davis Sewer District:** Mayor Gotchy read a letter he received from the North Davis Sewer District Board stating their wish that Council Member Furniss continue on the Board for another term. He stated he would like to appoint Council Member Furniss for another term. There was some discussion on the Board asking for a four year term and the resolution only appointing him for a three year term because that is what is left of his Council term. The Sewer Board's terms do not coincide with municipal election terms. It was decided to leave the resolution as is.

Council Member Carlson made a motion to approve Resolution 2008-15 appointing Council Member Furniss to the Board of Trustees of the North Davis Sewer District. 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, Council Member Chapman – aye.

- 7. Council Member reports and general information:** Recorder Hale asked those in attendance to please sign the roll on their way out as she did not have it out when most people arrived.

Council Member Chapman thanked Jeff Ambrose for his presentation of the CAFR and Carla Wiese for her presentation of the General Plan. He is impressed with the people they have

contracted with and how they embrace and work for Sunset City. He appreciates that. Aric Haarala approached him before the meeting with an idea for the Youth City Council Members to help the elderly or disabled hang their Christmas lights and decorations.

Council Member Carlson stated his appreciation for the Youth City Council Advisors and Council Member Chapman for all their hard work with the youth. He also thanked Recorder Hale for writing the CAFR, Mr. Ambrose for his help and all the City employees for the hard work they do. He mentioned the water coming up through the right lane of I-15 at about 1300 North and said he talked to Public Works Director Hennessee about it and was assured it was not from Sunset's water line.

Council Member Furniss thanked the Council for their support on his reappointment to the North Davis Sewer Board. He thanked Judge Jensen and said he had asked him to stay for this part of the meeting. Judge Jensen had requested and received a raise during the FY09 budget sessions, but he believes there is still a gap in his pay. He mentioned a letter the Mayor and Council had received from Judge Jensen before the last Council meeting and said he spoke with him about it. He said they recently approved a raise for all City employees, but failed to give the same to Judge Jensen. They just heard the City has about \$200,000 to use from the fund balance and he recommended they allow Mayor Gotchy to handle this administratively and give Judge Jensen the request he submitted. He thanked the Judge for his service to the City and asked what the other Council Members thought about his request. Council Member Bridges said he looked at the Judges' salaries from Clearfield and Clinton that Judge Jensen mentioned in his letter. The Clearfield and Clinton courts have eight hour sessions and Sunset has six hour sessions. The number of Court hours per year for Clearfield is 1,040, Clinton's is 416 and Sunset has 312. He does not know if the salary increase is warranted. Council Member Furniss reminded Council Member Bridges that a Judge does not just do work in the Court; he also takes warrants, etc. and he believes it is a 24 hour a day job. He asked Police Chief Eborn if he doesn't get warrants from Judge Jensen in the middle of the night if necessary. Chief Eborn stated they probably could go to Judge Jensen, but they don't because a case that would need that type of warrant would be tried in Davis County, so they would use a Judge there. Judge Jensen advised a couple of years ago, a video hearing program was instituted and he averages approximately four video hearings a day. When someone is in prison and they are being held on a warrant, they will conduct the hearing via video. A great deal of time is put into the actual on bench hours where he is not literally on the bench, but is conducting formal hearings through electronic means. There are also administrative issues he is addressing in terms of oversight and questions two or three times a day. On average he conducts 25 to 30 hearings every week via video and on average each one takes about 30 minutes. Council Member Furniss said he looks at the additional \$2,000 as pennies compared to what is brought into the City as far as fines and forfeitures. They gave a wage increase to all other employees and he urged Mayor Gotchy to consider that. This can be taken care of administratively, but Mayor Gotchy wanted to get a consensus from the Council Members. Council Member Chapman said he would consider the Judge part-time and he did already receive a requested raise at budget time besides the COLA. Council Member Carlson said the raise they gave couldn't be across the board unless everyone is included. He cautioned Council Member Furniss about touting that the City has a lot of extra money because in his opinion, the City does not have enough money. The

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overage in the fund balance should probably be moved into a dedicated fund due to a lot of expenses the City will have in the future such as building a new fire station and public works building.

Fire Chief Coker reminded everyone that Santa would be coming to town this Saturday. He will begin riding around on the fire truck at 9:00 a.m. and he will stop at the City Building for pictures from 1:00 to 3:00 p.m.

Assistant Public Works Director Noyes updated everyone on Director Hennessee. He has been off work, but is doing better and will see a specialist on the 18<sup>th</sup>.

Recreation Supervisor Gold reminded everyone the Senior Christmas Luncheon will be on Monday at 12 noon in the Sunset Room. She asked any employees, Mayor Gotchy and Council Members who are able to, to come help serve. Supervisor Gold advised that one of Clinton Recreation's employees is ill and they asked if she could help them with the Jr. Jazz program, so she will be helping them as needed.

Police Chief Eborn said some may have noticed a different crossing guard at 250 W. 1800 N. in the mornings. The regular crossing guard has had a shift change in his employment, so for the next two months there will be another person doing it.

Treasurer/Office Manager Youngdell stated City Attorney King has reviewed the agreement with the debit/credit card processing company and Mayor Gotchy has signed it, so hopefully by the first of the year they will be able to take debit and credit card payments. During budget time she had said it would cost the City about \$6,000 per year in fees. There is a new program called revenue neutral that allows cities to use a processing company for the debit/credit card payments. The processing company directly charges the debit/credit card user a 5% convenience fee, so the City does not have to collect or pay any fees. The residents will be able to make their payments at the counter, over the telephone or through the City's website.

Council Member Bridges made a motion to adjourn. Council Member Carlson seconded the motion. The motion passed unanimously.

The meeting adjourned at 7:40 p.m.

These minutes have been read and approved at the regular City Council meeting held **December 16, 2008.**

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Dan Gotchy, Mayor

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Susan R. Hale, Recorder