

**Sunset City Corporation  
City Council Minutes  
December 7, 2010  
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Minutes of a regular meeting held December 7, 2010 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

**Mayor and Council Present:**

|                |                |
|----------------|----------------|
| Chad Bangerter | Mayor          |
| Brent Andrews  | Council Member |
| Cheyrl Budge   | Council Member |
| Ricky Carlson  | Council Member |
| Ray Chapman    | Council Member |
| Ryan Furniss   | Council Member |

**City Employees Present:**

|                    |                          |
|--------------------|--------------------------|
| Linda J. Youngdell | Treasurer/Office Manager |
| Ken Eborn          | Police Chief             |
| Neil Coker         | Fire Chief               |
| Mickey Hennessee   | Public Works Director    |
| Shawn Valdez       | Police Lieutenant        |
| Bruce Arbogast     | Police Sergeant          |
| Judy Hampton       | Police Secretary         |
| James Weston       | Asst. Fire Chief         |

**Excused:**

|               |          |
|---------------|----------|
| Susan R. Hale | Recorder |
|---------------|----------|

**Others Present:**

|                       |                                  |
|-----------------------|----------------------------------|
| Ivan Ray              | Davis & Weber Counties Canal Co. |
| Jared Jensen          | Sierra R.V.                      |
| Heidi & John Blaylock | Citizen Corps                    |
| Terry Avondet         | Citizen Corps                    |
| Allyson Jackson       | Citizen Corps                    |
| Bonnie Loomis         | Citizen Corps                    |
| Larry Hampton         | Scott Stevens                    |

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

Mayor Bangerter led the Pledge of Allegiance and gave the invocation.

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

**Approval of Vouchers:** Council Member Andrews made a motion to approve the voucher for Ferno-Washington, Inc. in the amount of \$6,623.75. Council Member Furniss seconded the motion. The motion passed unanimously.

**Citizen Comments:** Terry Avondet said she should have said something the last time the Assistant Police Chief position was on the agenda and feels the previous decision let the entire police force down. The City of Sunset is very lucky to have a Police Department of the quality we have. The Officers are not indicted for various crimes like in the cities around Sunset. She believes in 2007 Sunset City created the positions of Assistant Fire Chief and Assistant Public Works Director. The Police Officers have very little opportunity for advancement and the Council should take advantage of this chance to show the Officers their support. Lt. Shawn Valdez served for two years as a part-time reserve officer before being hired on full-time and as of July 2011 Lt. Valdez will have 20 years in. She believes he has earned the title of Assistant Police Chief and his dedication to the City is obvious. She believes the City should now show its dedication to him and the future Officers that follow in his footsteps to fill the position.

## **REGULAR SESSION**

- 1. Citizen Corps update and recognition of CERT members who have served in 2010:**

Heidi Blaylock reported the Festival of Trees was last week and the CERT tree was purchased. It was selling for \$495, but she does not know yet if that is what they got out of it. She was interviewed last Friday about the tree and she is trying to get a copy of the interview. Child Abduction Response Team (CART) has been added to the Citizen Corps program. This year the Citizen Corps volunteers put in 1,694 hours and the volunteer value rate in the State of Utah is \$17.79, which totals \$30,136.26 of value the volunteers provided to Sunset City in 2010. She thanked the Citizens Corps Council for all their hard work. She also thanked the Police, Public Works and Fire Departments and Council Member Budge for their support of the Citizen Corps Council. She named and thanked all the CERT members who helped them throughout the year. Council Member Budge thanked Mrs. Blaylock and asked everyone to give her a hand, which they did. Mayor Bangerter gave his full support for the Citizen Corps program and thanked them wholeheartedly.
- 2. Discuss proposal by Davis & Weber Counties Canal Company on covering the canal:**

Mayor Bangerter introduced Ivan Ray, Manager of the Davis & Weber Counties Canal Company. Mr. Ray stated Mayor Bangerter and Jared Jensen of Sierra R.V. attended a Canal Company Board meeting. The Board asked Mr. Ray to work with Sunset City and Sierra R.V. to do a participating match to cover the canal abutting Sierra R.V. The Canal Company has \$2.3 million left over from a Federal Grant because the bid came in under what was expected on their other projects. The Board asked the Utah Board of Water Resources and the Federal Government if they could use the remaining money on sections that need it the most on the lower canal and they both agreed. He referred to the maps he handed out and said the critical zone they highlighted was from about 1600 North in Sunset to 200 South in Clearfield. They have submitted for an environmental assessment on the area. Due to a lot of the canal abutting residential homes and because there is no liner in some of those areas, they plan to do a box culvert in 3,300 feet of the canal. In about 800 feet near 650 North in Clearfield, they plan to install an open trapezoidal liner with water stop on it. Another area of concern is about 800 feet just north of their pond where they also plan to install an open trapezoidal liner. After the meeting with Mayor Bangerter and Mr. Jensen where he offered a \$100,000 match, they decided to match their money to box in the sections they requested. Mayor Bangerter had also told them the City would prefer to have the entire canal covered, so they decided to do a box section beginning where the canal goes under I-15 and go south

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as far as they can. The open trapezoidal liner is about \$425 a lineal foot, so they could do the 800 feet the originally planed on, but the boxed culvert is about \$550 a lineal foot so they can only do about 500 feet. The Executive Committee for the Board of Directors will be meeting Thursday morning, and then they will be requesting approval from the State of Utah to use their portion of the funding for these projects. Their goal is to box the whole area over time. Unfortunately, Sunset does not have existing matching funds so whatever the Council works out to balance those funding opportunities. They believe they can set funds aside and every 4 to 5 years do another big section of boxed culvert; however they are requesting some participation from the City.

Mayor Bangerter said there is no money in the budget for matching funds right now. The Canal Company is paying an annual fee to the City based on hook ups. They proposed to have the City waive those fees and they would be applied to the City's portion of covering the canal. Depending on how long it takes, the City may go for 20 plus years without receiving the fees. Another possibility he thought of tonight is maybe just lining the canal and add some fencing from 1600 North to the pond and using the excess to help get the box culvert done for Sierra R.V. As he has talked with Department Heads and others it may be more beneficial to box the area at Sierra R.V. first. Mr. Ray said at the previously stated costs for the liner, the proposed 1,600 feet would cost about \$680,000. So if the City was to waive the fees the Canal Company pays for 20 years at the current rate of about \$12,000 that would be about \$240,000. The Canal Company is willing to front the money to have the canal boxed in or lined and that would be more than a 50/50 match from them. He has not approached the Board with this proposal yet, but he believes it would be a good plan.

Council Member Furniss said his first priority is the canal's integrity and it is in dire need of repair especially where the homes are. He is sympathetic with Sierra R.V. trying to use their land better, but the residents' safety is his first concern. He is not sold on waiving the fees from the Canal Company because the City is in tough financial times as it is and they need to see where they could make up that money for the next 20 years. He believes the ultimate responsibility of the canal's integrity lies upon the Canal Company, just as the sewer line's integrity lies upon the Sewer District. He would rather have open lining from the pond north and box in by Sierra R.V. because they can use that land. He agrees boxing the other section would provide more public safety, but that could also be done with some fencing or cabling. Mr. Ray clarified that the 800 feet was included in their plan with no City participation. The section in Clearfield from 300 North to 200 South is earthen and they are losing water. The grant was given partially for conservation, so they will save water and provide safety from flooding by doing that section. Council Member Furniss asked, besides public safety, what the benefit to the boxed culvert is. Mayor Bangerter said ever since he's been involved with the City, covering the canal has been an issue with the residents, whether it is for safety, aesthetics or business. He wanted to bring up the boxed culvert option so they could see all the numbers. Council Member Furniss said he is in favor of doing what is necessary to make the canal safe going the furthest length they can. Mr. Ray explained the structure and construction of the lining and of the boxed culvert. The lining has a 50 year life span, but they expect much longer. A permanent structure cannot be built on top of the boxed culvert.

Mayor Bangerter said what they have before them now is whether to go forward as the Canal Company planned or line the 1600 North area and move some of the money towards the Sierra R.V. project or not. When a business is established next to the canal, they know it's there and know they need to cover it. Therefore, he is leaning toward lining the area, then seeing what they can do to help Sierra R.V. if there are extra funds available. That would protect the when a business is established next to the canal, they know it's there and know they need to cover it. That would protect the City and the citizens' safety, but it would not box the canal. Potential businesses can look at doing it themselves. He told Mr. Jensen he knows people have promised him things in the past and he feels bad things were not delivered. He is looking at what they can do for them now. Mr. Jensen said, with their \$500,000 and the Canal Company's \$100,000, they are 140 to 150 feet short of their property line. He has already purchased the pawn shop and old house on Main Street. With that, the closing costs and the \$100,000 it is \$330,000 out of their pocket. He has ordered about 100 units more than he normally does for the coming year. That would mean an extra \$3.5 million in sales, so you can see the extra sales tax will pick up the \$11,000 dollars proposed to be waived for the Canal Company.

Council Member Andrews was concerned that the \$11,600 for 20 years is \$230,000 that the City can use in other ways. Council Member Carlson feels their goal should be to eventually have the whole canal covered. If it is covered it will help revitalize Main Street and help to bring businesses in. It can be boxed in a little at a time without waiving the fee. Council Member Furniss said, as a government entity, they need to be careful when they meddle in the private sector. This is a private business negotiating with a private company, the Canal Company. They want businesses to succeed, but they need to be careful not to cross their boundary as a government entity.

Mayor Bangerter said the Council has the information. There is a business with the potential of expanding if they can get the canal covered. The Canal Company is going to do some maintenance on the canal and they have all the figures. He said this will probably be on the agenda the next time they meet, so he asked that they review the issues and be ready to make a decision. He thanked Ivan Ray and Jared Jensen for attending and giving the Council their information.

3. **Discussion and possible approval of creating an Asst. Police Chief position:** Mayor Bangerter said there is an Officer in the Police Department with twenty plus years and he and Chief Eborn talked about trying to give him a rank advancement. It would not cost the City anything to advance him into this new rank. In past history, a Corporal position was created and the P.O.3 Officers moved into that rank with no pay increase. It just gave them more status and one more stripe. They like to do things for employees and this would not cost the City anything, but would look better on the individual's resume.

Police Chief Eborn said this is not a request to add another employee or for more money. It is a request to create a position of Assistant Chief of Police, which would be one step above Lieutenant and one step below the Chief of Police. In 2007 Mayor Isom requested the Corporal position be created to give the Officers more respect on the street. No wage

increase was given. This request is similar. He believes if the position is approved and the Lieutenant fills that position, the Lieutenant position will remain vacant.

Council Member Furniss said he would want to promote with more pay because with promotion comes more responsibilities. If they approve the Assistant Police Chief position, it opens up the Lieutenant position and shouldn't that position make more money? It keeps being said that this isn't going to cost the City any money, but if someone is promoted to Lieutenant, they should make a Lieutenant's wage. Chief Eborn said he does not see filling the Lieutenant position until either he or the Assistant Chief leaves and there is advancement that way. He is concerned that the Sunset Police Department is such a small department and he does not see an Assistant Chief's position in many bigger departments. Mayor Bangerter said they keep saying they want to do things for their employees. They can't give more money right now, but they can reward the Police Department with this rank advancement. Council Member Furniss said this gives their eight-man department a Chief, Assistant Chief, Lieutenant, Sergeant and four Patrol Officers. He believes that is a bit top heavy, with one management position per officer. Lt. Valdez stated in any organization there are certain ranks, although they are not all filled. The Sunset Police Department currently has a Detective that is not a Lieutenant and a Detective Sergeant position that are not being filled. After so much time Officers can move up into those ranks, but they don't necessarily have to be filled. He became a Detective Sergeant and held that position for several years before becoming Lieutenant. He has been Lieutenant for nine years and now is asking for a rank advancement to Asst. Chief. Many cities have an Asst. Chief position and many do not. There are no guidelines; it is just up to each individual city. Council Member Furniss asked Chief Eborn if he has a job description for Assistant Chief and if he does, why they have not received a copy. Chief Eborn stated he has seen several drafts of what the job description could be. Mayor Bangerter said the Council has not received a copy of it because they have not gotten that far yet. Council Member Furniss said they are expected to vote tonight and he believes they should know what the position entails. He asked if this position is merely an "atta boy" for tenure or if they were going to open it up to other Officers so everyone has the opportunity to apply for it. Chief Eborn said he does not believe there are any other Officers qualified for the position and he believes this is a way to thank an employee for time served. Council Member Andrews said every job has a job description, so he agrees they should be able to see it before making a decision. Mayor Bangerter said he has it downstairs and can get it if they need it to decide. He thought they would just decide on the position now and then approve the job description at a later time. Council Member Furniss believes an Asst. Chief position should be higher on the pay scale than a Lieutenant. He believes they are trying to make a decision based on facts they don't have. What does the promotion to Asst. Chief entail? He believes they are trying to rush this. They need information. A minor argument ensued between Terry Avondet and Council Member Andrews about information pertaining to the position. Mayor Bangerter reiterated the Council has always said they want to help their employees and this is an opportunity to do that. If it is an "atta boy" it's an "atta boy". Lt. Valdez has been here for 20 plus years and if it's not going to cost the City anything he does not understand the big issue with it. The last time this was proposed it included a raise. It was turned down and he understands that, so now they are proposing to do it as an "atta boy" if that's what they want to call it. Council Member Furniss said it is disingenuous to say it will not affect the City in the future. Once the Asst. Chief position is

created, eventually someone will want a raise and that will increase the Police Department's budget. Mayor Bangerter said later when the City is financially able to put it in the budget, he does not think they would oppose it, but they cannot do it right now so they are just asking to create the position. He asked for a motion.

Council Member Budge made a motion to create the assistant chief position, the Council will review the job description and there is no pay increase at this point. Council Member Carlson seconded the motion. The motion passed 4 to 1. Council Member Furniss voted no.

4. **Council Member Reports and General Information:** Council Member Furniss gave his condolences to Recorder Hale and said his wife lost her aunt this week. He encouraged those who did not attend the 1800 North GIS open house to get involved because they need citizens to voice their opinions. He suggested placing a nice for sale sign on the City owned house on 1600 North. Mayor Bangerter agreed and said they need to see it gets done. Council Member Chapman was given the assignment to have done by next Tuesday. Council Member Furniss thanked the Citizen Corps for their hard work.

Council Member Chapman also thanked the Citizen Corps for their time and effort. He echoed Council Member Furniss in encouraging citizens to get involved with the 1800 North project.

Council Member Budge said the Senior Luncheon was very nice although there were not as many people there as usual. She thanked all the people who helped. She enjoyed seeing Santa riding by her house on the fire truck last Saturday. The "Shop with a Cop" will be held Saturday, December 18<sup>th</sup>. She stated her appreciation for being able to work with John and Heidi Blaylock and see how they accomplish so much and really care about the City. She reported the owner of Pizzeria, John Schroeder, has passed away. Police Chief Eborn said he has been ill for a couple years, so his wife and one son have been running the business. Mr. Schroeder has supported a lot of things in the City through many donations. Council Member Budge gave her sympathies to Recorder Hale and Council Member Furniss for their losses.

Council Member Carlson said he attended the 1800 North EIS meeting and talked with some of the residents in attendance. They talked about how wonderful the Police Officers are in this City. He echoed what has been said about the Citizen Corps and thinks they are great. He asked Chief Eborn if he still needed kids for the "Shop with a Cop". Chief Eborn said there was some miscommunication and the director already had kids lined up from Family Services. Council Member Carlson brought up a budget problem regarding Fun Days. Since it has been moved to June this year the City will be paying for two celebrations in one budget year. Mayor Bangerter said they completely missed that issue when they were deciding on the date so he asked the Council to be prepared to discuss the issue at a later time. Council Member Carlson is still concerned about now holding it the same weekend as Syracuse. He has been told by two separate vendors they will be attending Syracuse's celebration because it's bigger. Mayor Bangerter asked the committee members to be thinking about this and he will discuss assigning a Chair to the committee in the next Department Heads meeting.

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Council Member Andrews said the Beautification Committee will be judging the residents' Christmas decorated yards this week. He is a member of the Red Cross and they have a very high opinion of the Sunset CERT and Citizen Corps. He stated his concern for the loss of the North Star Mortgage business. Chief Eborn said the owner decided not to renew his lease in Sunset because he has an office in Brigham City and one in Ogden and the internet is making it unnecessary to have a third location. Council Member Andrews said the businesses on 1800 North are concerned what will happen to them when 1800 North is widened.

Fire Chief Coker invited the Mayor, Council Members and Department Heads to the Fire Department Christmas party on December 10<sup>th</sup>. There will be an awards ceremony at 6:00 p.m. then the dinner at 8:00 p.m.

Police Chief Eborn updated the Council on the Officer involved shooting in Clinton a few weeks ago and said all Officers involved have been cleared and the use of deadly force was justified. He has the full report in his office. A huge part of that investigation came from a deployed Clinton City taser that was equipped with audio and video. The tape was almost verbatim what the three Officers reported. He will be submitting a grant to the Commission on Criminal and Juvenile Justice (CCJJ) for \$7,500. If approved, he would like to equip the Sunset Officers' tasers with audio/video and replace two aging radios, which would make all of their radios up to date and should last 10-12 years.

Treasurer/Office Manager Youngdell reported the property manager the City was using to rent the house on 1600 North has turned back the keys and are no longer managing the property. Mayor Bangerter had previously asked the Administrative Office to stay open until 6:00 p.m. on court days. There is no overtime; they have just changed the schedule of the person staying late.

Mayor Bangerter asked Chief Eborn to report on the warrants served and collected. Chief Eborn compared this period to the last one and said this they spent about \$2,000 more in overtime and collected about \$5,000 less in warrants, but the payments over time almost tripled. He believes it is due to these tough economic times. Mayor Bangerter said he has received an application to apply for a license from the ASCAP, who is asking for compliance with the 1998 Utah Music Licensing Practice Act. It basically allows the City to use background music, music on hold, employee functions with music, music at festivals, etc. The application is \$305.00 per year. Attorney King has reviewed the ASCAP letter, licensing agreement and State Statute. He said the payment was quite nominal and would protect the City from claims for copyright violations, therefore he recommended they pay the fee and apply for the license. He asked the Council Members to let him know their feelings by next week. He said the Senior Luncheon was wonderful and appreciated the Fire Department for taking Santa around on Saturday and providing the activities in the Sunset Room. He attended a reception at HAFB and met some other Mayors and dignitaries. With the airplane crash that just happened in Roy, he talked with HAFB about doing a presentation to the Council because if something happens here it will probably have to do with the base. There is an article in the newspaper about the sound wall and he feels they are doing the right thing by prohibiting it in Sunset because it protects the businesses' visibility. Sunset was very well represented at the 1800 North EIS meeting.

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

The meeting adjourned at 8:45 p.m.

These minutes have been read and approved at the regular City Council meeting held **December 21, 2010.**

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Chad Bangerter, Mayor

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Susan R. Hale, Recorder