

**Sunset City Corporation
City Council Minutes
December 16, 2008
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Minutes of a regular meeting held December 16, 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 Furniss 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.
- 2. Discussion regarding deployment of security systems in accordance with Utah Code 52-4-205(1)(f):** This item was discussed according to the Utah State Code 52-4-205(1)(f), discussion regarding deployment of security systems.

Present: Mayor Dan Gotchy, Council Member Carlson, Council Member Chapman, Council Member Furniss, Council Member Budge (via telephone), Treasurer/Office Manager Youngdell, Police Chief Eborn, Public Works Director Hennessee and Recorder Hale.

Council Member Furniss made a motion to adjourn this closed session. Council Member Chapman seconded the motion. The motion passed unanimously.
Closed session adjourned at 6:30 p.m.

6:30 p.m. REGULAR SESSION

Mayor and Council Present:

Dan Gotchy	Mayor
Cheyrl Budge (via telephone)	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
Mickey Hennessee	Public Works Director

Excused:

James Bridges	Council Member
Vicky Gold	Recreation Supervisor

Others Present:

Melvin Mauris	Noah's Auto Sales
Brian Cobb	Planning Chair

Others Present (continued):

Chris Haller	Planning Commission
Jason Gabbert	Planning Commission
Chad Bangerter	Planning Commission, VIPS, CERT, Citizen Corps.
John Blaylock	Citizen Corps
Angela White	Citizen Corps
Allyson Jackson	Citizen Corps
Kenny Carson	Brent & Susan Andrews
Jacob Jackson	Bryant Wilson
Jason Stettler	

The meeting was called to order at 6:35 p.m. by Mayor Gotchy. He welcomed everyone in attendance and advised that Council Member Budge was in attendance via the telephone.

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

Approval of Minutes: Council Member Carlson made a motion to approve the minutes of December 2, 2008 as amended. Council Member Furniss seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Budge made a motion to approve the vouchers for Spillman Tech for \$11,694.00, CEC Engineers for \$8,915.85 and Utah Local Governments Trust for \$54,672.00 totaling \$75,281.85. Council Member Furniss seconded the motion. The motion passed unanimously.

Citizen Comments: Chad Bangerter thanked the Mayor and Council for the opportunity to serve in the Citizen Corps and on the Planning Commission as an Alternate. He advised he spoke during the Senior Citizens Luncheon about emergency preparedness and he believes it was accepted very well. There is a lot of money that goes into emergency preparedness and he hopes it can continue. He believes it is good for the Police, Fire and citizens to be prepared for a disaster and the Citizens Corp is doing a good job of making that happen.

REGULAR SESSION

3. Conditional use request for Noah's Auto Sales to be located at 2011 N. Main: Mayor Gotchy said he believed the owner wanted to put 20 cars on the lot, but he was told that only about 10 cars would fit. Planning Chair Cobb said his concern is about the driveway, which is in bad need of repair. He feels Melvin Mauris, the owner of the business, does have enough room for 20 cars providing the property owner put in a new driveway and pave the parking lot. The Planning Commission recommended the cars all be parked on asphalt. As of right now, probably only 10 cars would be able to fit on the existing asphalt. Mr. Mauris has done an extensive amount of work to the property bringing the value of it up.

Council Member Furniss said he knows they all want pavement and asphalt, but he would like to show a little leniency to a new business. He asked Mr. Mauris how long he had been in the car business. Mr. Mauris replied he has been in the car business for about three years

working for someone else. He is a general contractor, but the construction business is slow so he wants to venture into a new type of business. Council Member Furniss asked Mr. Mauris if he believes paving the parking lot is feasible right now. Mr. Mauris said he believed it was because he has been working with Mike Pollock, the owner of the property, and he is willing to work with him because of the work Mr. Mauris has put in to the building.

Council Member Chapman asked what exactly he was planning to pave. Mr. Mauris said the north side by Aranda's. He is planning to use the paved areas for displaying cars and the gravel area for customer parking. Right now he can park 15 cars on the existing pavement and he plans to have 20 for sale by spring.

Mayor Gotchy asked how he plans to service the cars. Mr. Mauris plans to have M & J Auto do the servicing. He will also have the vehicles washed off-site at another company. In the future he would like to build something in the back to be able to do it, but not right now.

Council Member Chapman mentioned when cars are parked along the north side of the driveway next to Aranda's, the driveway will be very narrow for emergencies, etc. and wondered if Mr. Mauris had thought about that. Mr. Mauris said he is here to follow all the City's rules, so whatever they suggest he will do. Tyrone Aranda and he have talked and Mr. Aranda told him he could use Aranda's access. Council Member Budge asked about getting a fire truck in the back if necessary. Council Member Chapman said he had looked at that and the fire truck can either go in through the dealership's parking lot and come out through Aranda's or vice versa. The fire fighters would most likely fight the fire from the street anyway. Council Member Chapman asked about the statement in Mr. Mauris' letter saying his intent is to have a used car dealership and an insurance business and his business license application only stating the intent for used car sales. Mr. Mauris said his wife was going to do the insurance business, but decided not to because there wouldn't be enough parking spaces. He is planning to just keep it as a used car dealership. Council Member Chapman said he would like a new letter of intent stating what exactly he plans to do. He then asked about question number 3 on the back of the business license application where he answered yes to discharging oil and grease into the sewer system. Mr. Mauris said that was marked in error. Planning Chair Cobb said that was also brought to his attention during the Planning Commission meeting and he told the Commissioners it was a mistake. Council Member Chapman said he would like to also see that changed on the application.

Council Member Carlson asked Chair Cobb if he had a list of conditions the Planning Commission set forth or if it was just the two he already mentioned, the asphalt and new driveway. Chair Cobb said just those and that he meet with all fire and police codes. Council Member Carlson asked how long Mr. Mauris thinks it will take to install the asphalt. Mr. Mauris said there would be no time to do it right now. Council Member Furniss asked if six or eight months would be long enough. Mr. Mauris said he can put 10 to 15 cars on the paved area now and he has seen other dealers with their cars on gravel, but he will only put as many cars on the lot as they tell him he can have. Council Member Furniss asked that the Council give him one year to pave the lot. Council Member Carlson said maybe they should set a limit of 10 cars right now until he can get it paved. Mayor Gotchy said if they are

allowing him a year to pave the lot, they should allow him to utilize the lot the best way he can. Council Member Furniss agreed because he does not want to get into dictating the amount of cars he can have.

Council Member Chapman advised he spoke with someone at Don's Meats next door and they don't have any concerns, but he cautioned him to watch for his customers parking in Don's Meats parking area.

Council Member Furniss made a motion to approve the conditional use business license for Noah's Auto Sales with the provisions that he have one year to pave the lot, he changes his letter of intent deleting the insurance business and changes his business license application to reflect there will be no oil and grease discharged into the sewer system. Council Member Carlson seconded the motion. The motion passed unanimously.

4. **Citizen Corps presentation to CERT volunteers:** John Blaylock said he is there to honor all who have volunteered in the last year and the Citizen Corps would like to make this an annual event. He presented certificates to the volunteers present and they were congratulated by the Mayor and Council.
5. **Reappoint Susan Trussell for another 5-year term on the Board of Adjustment:** Mayor Gotchy advised Susan Trussell's term on the Board of Adjustment ends on December 31, 2008 and she has agreed to serve for another five years.

Council Member Budge made a motion to reappoint Susan Trussell to the Board of Adjustment for a five-year term. She thanked Mrs. Trussell for all the time she has served over the years. Council Member Furniss seconded the motion. The motion passed unanimously.

6. **Reappoint Brian Parker and Chris Haller and appoint Alternate Commissioner Chad Bangerter for a 4-year term on the Planning Commission:** Mayor Gotchy explained the terms of Brian Parker, Chris Haller and Dee Sanford end on December 31, 2008. Mr. Sanford has elected not to remain on the Planning Commission so only Commissioners Parker and Haller would need to be reappointed. Alternate Commissioner Chad Bangerter has been in the alternate position the longest so he should be appointed as a full member.

[Council Member Furniss asked that his words be transcribed word for word on this issue] – I have, it's with hesitation that I say this. I feel on the Planning Commission this is an appointed seat by the Mayor and consent of the Council and I have some concerns about Commissioner Bangerter who has continually opposed the Council and continually opposed the direction we want to take the City. I've looked at the minutes from the year's beginning and it seems to be opposition on almost everything we do. I admire his service on the previous Council, I admire his service on VIPS and tonight on Citizen Corps, but it's with great reservation that I bring that up tonight. The attack on the Mayor a few meetings ago on his oath of office concerns me. Mayor, these are appointments from you and I want someone who's on board with this administration and who sees the need that we see within the City,

not oppose it. I voice my descent in that regard based on the opposition and I will look him in the eyes when I tell him this, but I believe there is some ulterior motive and I believe there is something else that he has agendaed other than the needs and the direction that this Council is trying to go. And it's with great reservation that I bring that up, but I want to look him in the eyes and tell him that and so I descent.

Council Member Budge commented that she has worked with Mr. Bangerter on the Council and he does a lot of research for everything he does. His feelings are very intense. She believes they have to understand they have to listen to him and know he has done all of his research. She and Mr. Bangerter have disagreed about a lot of things, but as she listened to him she saw his point of view. She does not have any qualms at all about him being on the Planning Commission and believes he would be a great asset to the Commission.

Council Member Budge made a motion to appoint Brian Parker, Chris Haller and Chad Bangerter for a term on the Planning Commission. Council Member Furniss – If I may rebut that Mayor. One last comment. I think we'd be amiss and disingenuous to say that we are going the direction the City wants to go. I think the election results did show the direction the City wanted to go and it was with Mayor Gotchy's and the previous and the current Council's direction. I think the election results show that and so my only reservation is if he is on the Council that he gets on board with the Mayor and Council. Don't get me wrong; debate is healthy, but this is not an elected seat. This is an appointed seat from the Mayor and consent of Council. So I would hope there would not be continued opposition to the things we try to accomplish in the City. I believe... Council Member Budge interrupted asking if Mayor Gotchy has a problem with Mr. Bangerter being on the Planning Commission. Mayor Gotchy said he has not made any statement to that. He understands there are questions he has and there is an adversarial role sometimes, but he believes once the Council makes a decision he needs to be on board. With that, he believes it could be advantageous to have him on the Planning Commission, but he needs to be on board with the Council and not have a dissenting factor behind the scenes. Council Member Chapman seconded Council Member Budge's motion. The motion passed 3 to 1. Council Member Furniss voted no.

- 7. Approve 2009 City Council meeting dates:** Mayor Gotchy referred to the list of Council meeting dates before the Council and asked if anyone had any changes they wanted to make. Council Member Furniss said Sunset's ordinance states that when a meeting cannot be held on the regular day, they are to hold it the next business day. The meeting on November 3, 2009 is slated to be canceled due to it being Municipal Election Day. He would like to have the Council meeting on Wednesday, November 4, 2009.

Council Member Furniss made a motion to approve the Council meeting dates with the change mentioned above. Council Member Budge seconded the motion. The motion passed unanimously.

- 8. Discuss wage increase for Judge Jensen:** Mayor Gotchy said the Council talked about this issue during general information at the last Council meeting, but no consensus was given.

He said the reason Judge Jensen did not get the increase when the rest of the employees did is because he is not considered a full-time employee. However, due to the nature of his job and what he does for the City, he believes it would be in the City's best interest to give him the same increase they gave everyone else. He turned the time over to Council Member Budge.

Council Member Budge said she understands this item has been discussed and some are opposed to it. She believes they need to look at the grants he has and can get for the City. She realizes they pay him as an employee to do those things, but his education in the judicial system is a continual thing. He goes to conferences all the time and spends a lot of time researching and doing a lot for the City such as video trials. He instituted the video trials for Sunset and believes he did it for Davis County as well. He has a great background in and knowledge of the judicial system. She believes he deserves the raise. She has watched him for five years on the bench and has seen the way he treats people. It amazes her, the control he has in the court room and deserves the raise.

Council Member Furniss agreed with Council Member Budge. He shared with the audience some of the Judge's experience and accomplishments. He advised that they gave every full-time employee a \$5,200 raise. He considers the Judge to be a full-time employee and believes the \$2,000 raise is fair. Judge Jensen was granted a \$3,000 raise at the beginning of the year, so he only wants to give him an amount equaling the rest of the full-time employees.

Treasurer/Office Manager Youngdell advised that Judge Jensen wants the dollar amount he is asking for to be placed in his 401K. That way he would not have to pay taxes on it.

Council Member Furniss made a motion to approve the increase that was granted to other employees, \$2,000 would make him comparable with the full-time employees, in a way that he sees fit. Council Member Budge seconded the motion. Recorder Hale asked if the motion means he will be given \$5,200 a year, the amount of his request or what because he is not an hourly employee. Council Member Furniss clarified that full-time employees were recently given \$5,200 and Judge Jensen was granted \$3,000 at budget time, so he will be given the remaining \$2,200. Mayor Gotchy said that amount would be contributed to his 401K. The motion passed unanimously.

- 9. Discuss using a form requesting time during the citizen comment period:** Mayor Gotchy said he has attended other cities' Council meetings in the past where they have citizens fill out a role form when they want to speak to the Council.

Council Member Furniss advised he attended Clearfield City's Council meeting last Wednesday due to his assignment on the North Davis Sewer District Board. They require forms to be filled out by those who want to speak and then they are called upon by the Mayor. He was very impressed with the way it was run because it helps the Recorder's job in that the form provides a name of the speaker and the citizens are called upon in order of relevance. Mayor Wood allowed those who had complaints to go first, then he allowed several members of the Sewer Board to speak, etc. This way it flowed nicely. There are

times when a resident may want to comment on something that will be discussed later on in the agenda and the Mayor can decide to have the person wait until the item is being discussed. The form would also help because if there are no comments, the Council does not have to wait in dead silence to see if anyone wants to speak. He spoke with the Clearfield Recorder and she really likes it for record keeping purposes. Also, Mayor Wood likes it because he knows beforehand who is there to speak. There are times when a resident does not fill out the form and he still allows him or her to speak.

Council Member Furniss made a motion to implement requiring a form to be filled out prior to the citizen comment agenda item to help Mayor Gotchy and Recorder Hale. Council Member Budge asked if the forms would be available at the door just before Council meeting or if they would need to come in earlier to fill them out. Council Member Furniss said they would be at the door before Council meeting. The form would require name, address and subject. Council Member Budge seconded the motion. Council Member Chapman would also like to have them available as soon as the agenda is posted. The motion passed unanimously.

- 10. Council Member reports and general information:** Mayor Gotchy thanked all the residents who have worked on the Planning Commission, especially Commissioner Bangerter. He has put a lot of time into it and he appreciates what he has done. He thanked the Commissioners for drafting the General Plan and said it is wonderful.

Council Member Chapman reported the Youth City Council has put up some Christmas decorations for some people so their project has begun. He hopes it continues. He thanked the Citizen Corps and all their recruiting efforts.

Council Member Carlson thanked the Fire Department for inviting them to their Christmas party and for taking Santa Claus around town. He congratulated the volunteers for their accomplishments. He reminded everyone that tomorrow is the "Lunch with the Mayor" day. He advised that the Legislators are reviewing a new bill that would get rid of appointed boards and require the members to be elected. That will cost the tax payers a lot of money. He is on the mosquito district board and to hold an election for their board alone would cost \$6,000. He urged everyone to speak out about the bill to the legislators. He congratulated the Commissioners who got reappointed. Planning Chair Cobb asked why the Legislators want to do this. Council Member Carlson said it is being sponsored by Senator Neiderhauser because he wants the boards to be accountable to the public. Council Member Furniss said he has been in contact with the League of Cities and Towns Policy Committee and the reason they want more accountability is that there are some districts, such as the North Davis Fire District, who can raise the taxes for their service without being accountable. It is said that in 2010, they will be one of the richest fire districts if they keep taxing the way they are. Senator Neiderhauser is concerned that taxing districts can raise taxes without accountability. The public has a chance to express their concerns on these increases and Council Member Furniss believes Senator Neiderhauser's concerns about accountability are disingenuous. He said people would speak to their Mayors to get members off the boards if the taxes were increasing too much. There are a lot of things going on in the bill and the League of Cities

and Towns is kind of neutral on it. He is against it because of the expense and he also encouraged people to talk to their representatives.

Council Member Budge stated she had a citizen call her about semi trucks not being able to park in their driveways again. She explained to the citizen that they had discussed this issue before and it had been decided they did not want to allow them on the narrow roads of the City. The resident may come before the Council about a trailer he is rebuilding. The resident also had concerns about beautification along the east side of the highway not being done very fast. Council Member Budge thanked the CERT volunteers for all the work they do. She thanked Susan Trussell for her long years of service on the Board of Adjustment and the three appointees on the Planning Commission for their hard work.

Council Member Furniss recognized the Boy Scouts who were present. He said he is very thankful for the new technology allowing Council Member Budge to attend the meeting via telephone because they value her opinion and vote. He thanked Council Member Carlson for drafting the ordinance and seeing that it got passed. He asked if anyone planned to attend the "Officials Day with the Legislature". Council Members Chapman and Carlson said they planned on going, so Council Member Furniss suggested carpooling.

Public Works Director Hennessee said the Christmas tree pick up will be on January 7th.

Police Chief Eborn said he believed he reported at the last meeting that Sgt. Arbogast had hurt his leg off duty and would be off work for awhile. He is now back to work, but only half days and on light duty. It might be another two weeks before he can be back on regular duty. Months ago, Sgt. Arbogast had brought an equipment grant to his attention. This grant is through the State of Utah using DUI money. They wrote a letter to apply for the grant, but did not expect to get much with all the State budget cuts. He has now been informed they got everything they asked for, which was an in-car camera system, a Lydar which is a hand held laser radar unit and two other hand held radar units to replace a couple old ones. The value of the grant is between \$12,000 and \$15,000. These are things that he usually doesn't budget for so he is happy to be getting them.

Treasurer/Office Manager Youngdell reminded everyone about the office being closed on December 24th, 25th and January 1st. She reported everything is going as scheduled in getting the debit/credit card system. It should be up and running the first part of January.

Fire Chief Coker thanked the CERT people and others that volunteer for the City. His daughter just went without power for 10 days in New Hampshire and it is good to know that if anything like that happens here, we can rely on the CERT team to go around checking to see if people needed help.

Council Member Furniss made a motion to go into the work session after a five minute break. Council Member Carlson seconded the motion. The motion passed unanimously.

WORK SESSION

11. Discuss leasing City well to Weber Basin Water Conservancy District: Council Member Furniss said he had Public Works Director Hennessee show him around the Public Works area and the City well. The well definitely needs some work and he does not believe it would be economically sound to upgrade it when it is just as cheap to purchase the water. He met with Weber Basin Water and they want to lease the well. Initially the lease was for a dollar amount, but now it has been changed to be based on per acre feet used. He believes that is better because that is how everyone purchases their water. They are still in negotiation. He brought this up tonight to get a consensus. There was some miscommunication on who was going to get the lease agreement to the water attorney, so it didn't happen.

Council Member Furniss made a motion to have Recorder Hale send the lease agreement to the water attorney for review. Council Member Chapman seconded the motion. The motion passed unanimously.

Director Hennessee said over the years they've talked about different leases and different options on the well. Right now the well is absolutely worthless to the City so something needs to be done. The City contracts with Weber Basin Water for 1,400 acre feet of water per year. He has been tracking actual water used for the past 15 years and the City has never gone over the 1,400 acre feet. Should the City go over the allotted amount, it would have to pay an overage fee. He would like to see something put in the lease agreement that states, should the City go over the allotted amount, it would pay for overage at the same rate it is paying for the initial 1,400 acre feet and not a higher overage fee. Mayor Gotchy asked for that item to be addressed by the water attorney.

Council Member Furniss was recently informed that Clinton City just purchased water rights and he wished they could have talked to them a couple of months ago because they paid a lot of money for it. Right now it is dormant, but they are preparing for future growth.

Council Member Chapman made a motion to go back into the regular session. Council Member Carlson seconded the motion. The motion passed unanimously.

Council Member Chapman made a motion to adjourn. Council Member Carlson 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 **January 6, 2009.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder