

**Sunset City Corporation
City Council Minutes
December 21, 2010
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Minutes of a regular meeting held December 21, 2010 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Bangerter presiding.

Mayor and Council Present:

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|----------------|----------------|
| 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:

| | |
|--------------------|--------------------------|
| Susan R. Hale | Recorder |
| Linda J. Youngdell | Treasurer/Office Manager |
| Ken Eborn | Police Chief |
| Mickey Hennessee | Public Works Director |
| James Weston | Asst. Fire Chief |

Excused:

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|------------|------------|
| Neil Coker | Fire Chief |
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Others Present:

| | |
|----------------|------------------------|
| Matt Aubrey | T&M Auto |
| Brad Weller | Planning Commissioner |
| Terry Avondet | Citizen Corps |
| Kaleb M. Boyd | Diane & Larry Brubaker |
| Clifton Jensen | Scott Stevenson |

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

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

Approval of Minutes: Council Member Budge made a motion to approve the minutes of December 7, 2010 as written. Council Member Andrews seconded the motion. The motion passed unanimously.

Citizen Comments: There were none.

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

PUBLIC HEARING

- 1. To receive input on prohibiting a sound wall along the section of I-15 that runs through Sunset City:** Mayor Bangerter explained the Council feels the erection of a sound wall along I-15 would restrict travelers on I-15 from seeing the businesses along Main Street and that means they wouldn't come back into Sunset to frequent them and that would make

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business owners less likely to establish their business in Sunset. He opened the meeting for public comment.

Bonnie McClain said she would like to see a sound wall erected because she cannot sit outside of her home now due to the traffic noise. She lives just below the old R&J Pawn Shop. The business owners do not live here; they go home and the residents suffer with the traffic noise. Mayor Bangerter stated the businesses are kind of the heart of Sunset because if the City loses the business, it also loses the tax base. That means the Council would have to raise property taxes to make up the difference. The residents also have to contend with the traffic noise from Main Street, the trains and now HAFB will be maintaining the F-35 which is noisier than the F-16. It will be impossible to reduce much noise with the sound wall, but it would reduce commercial business and then the residents would have to deal with increased property taxes.

Council Member Andrews said he has talked to one of the businesses and the owner was against allowing a sound wall.

Diane Brubaker said she lives behind Doxey Elementary School and she is concerned about the noise for the residents and also for the people utilizing the parks. She pointed out there is no sound wall now and there are many vacant commercial buildings. She asked how they know there will be an impact if a sound wall is erected. She also asked what last year's property tax increase is being used for. Mayor Bangerter said he knows of two businesses that closed due to no visibility after the sound wall was erected in North Ogden. Both of the major businesses in Sunset feel they would be closed within four years of a sound wall going up. Council Member Chapman said Sierra R.V. has risen to one of the top dealerships in Utah since moving to Sunset due to the I-15 exposure. Council Member Furniss explained a sound wall is not being considered by UDOT at the present time, but the Council is trying to take a preemptive measure to protect the City's businesses. There is criteria UDOT follows to erect a sound wall and they do not know if Sunset would even qualify for one. Mayor Bangerter said the Environmental Impact Study is being conducted on 1800 North and I-15. They know with the Falcon Hill development, there will be an increase in traffic so they suspect I-15 will be widened and a sound wall considered. In talking with business owners along Main Street he has found they are concerned with the trees blocking visibility from I-15 so he knows a sound wall would cause major concern. The Council is trying to maintain some control in the area, rather than UDOT doing something without the City having a say. Council Member Furniss encouraged Mrs. Brubaker and other residents to attend the EIS meetings to see what is being studied and to have their say.

Scott Stevenson stated he lives by Sunset Elementary and said widening I-15 is on the Wasatch Regional Council's 2030 plan. He believes it is good for the City to take a proactive stance in reviewing a sound wall, but he does not believe it is a good idea to tie UDOT's hands by creating an ordinance stating they cannot build a sound wall. If they build one, it will be for the citizens. Maybe consider quid pro quo; ask what UDOT will do to leave visibility if they are allowed to erect a sound wall. He already has trouble sleeping due to the traffic noise and he lives well off of Main Street.

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Council Member Furniss said if a sound wall goes up along I-15 it may make the traffic noise along Main Street echo off of it and create more noise for the residents.

Council Member Chapman feels an ordinance prohibiting a sound wall may be the City's bargaining chip.

Council Member Budge said some sound walls are clear, so maybe they could relax the ordinance if UDOT would install a clear sound wall.

Council Member Carlson believes a sound wall would hurt the commercial property values. He also believes they are ugly, expensive and the tax payers should not be paying for them. He hates raising property taxes and believes they must take care of the City's economic base so they do not have to put any more burden on the tax payers.

Matthew Aubrey said he located his business, T&M Automotive, at 2117 N. Main because there is no trade off for visibility and location. Being a small business, he does not have the revenue for extensive advertising so the I-15 visibility is crucial to him.

Mayor Bangerter said Rusty Eskelson owns property along Main Street and Mr. Eskelson wanted it known that a sound wall would not only diminish the business there, but would also decrease the property value. He supports the Council on prohibiting a sound wall. Mayor Bangerter has talked with the Manager of Smith's Food & Drug, and the owners of Al's Furniture and Sierra R.V. and they are all opposed to a sound wall because they believe it would hinder their businesses. Any lost sales tax revenue from those businesses would have to be subsidized by something and would probably require an increase in property taxes. Mayor Bangerter answered Mrs. Brubaker's question about the property tax increase by saying most departments' budgets were cut 20%, two full-time positions were cut to part-time and it still didn't cover the increased cost of operations. The tax increase was implemented to cover costs.

Larry Brubaker asked the Council to equally consider the concerns of the residents along with the businesses and not to lose sight of the health and welfare of the citizens.

Council Member Chapman said he thought about the pros and cons of a sound wall before deciding on his opinion of it. It would probably reduce noise, but if it causes the businesses to go under, it would cause the residents' property taxes to go up. There is a lot of information on the internet about sound walls and their impact on cities. He does want to do what is best for the residents.

Council Member Furniss said there is a delicate balance on this issue because if the City does not have a good sales tax base and has to increase property taxes to make up for it, there may be people who cannot afford to live in Sunset.

Mayor Bangerter said the Council is trying to be proactive instead of reactive and the residents' comments will be recorded and become part of the Council minutes. When

consideration of erecting a sound wall starts to move forward, the comments will be there for review.

Council Member Budge made a motion to close the public hearing and re-enter the regular session. Council Member Chapman seconded the motion. The motion passed unanimously.

REGULAR SESSION

- 2. Ordinance 2010-10 adding Section 10-5D-6 to the Sunset City Code prohibiting the erection of sound walls or barriers within commercial zone C-2:** Mayor Bangerter explained this was the ordinance the public hearing was just held on.

Council Member Chapman made a motion to adopt Ordinance 2010-10. Mayor Bangerter read the ordinance to the audience. Council Member Budge seconded the motion. The motion passed with a roll call vote of 4 to 1. Council Member Furniss – aye, Council Member Chapman – aye, Council Member Budge – aye, Council Member Carlson – aye, Council Member Andrews – nay.

- 3. Presentation of Sunset City's Annual Financial Report:** Jeff Ambrose, of Crane, Christensen & Ambrose, presented and gave highlights of the FY10 financial report. Mr. Ambrose thanked Recorder Hale and Treasurer/Office Manager Youngdell for their help in giving him the information he requested. He said Recorder Hale writes the report and that saves the City money in auditing fees. He audits 23 cities, counties and special districts and only two write their own report. The firm has given Sunset City an unqualified opinion, which is clean and the highest level that can be given. Total assets were down about \$207,000 and debt decreased about \$35,000. In the General Fund, sales tax was down \$58,000 which necessitated an increase in property tax. Property tax was therefore up about \$41,000 and franchise tax was down about \$10,000. Fines and forfeitures were down about \$149,000. Total revenues were down \$155,000 and expenditures were down \$194,000, but even so, total expenditures exceeded revenues by \$188,000. Transfers from other funds helped to compensate, so the net change in fund balance was a decrease of \$43,000. The fund balance is within statutory limits and is still relatively healthy, but he hopes it does not see further decreases in the future. The Utility Fund had an increase in cash of \$58,000. Net assets only increased \$7,200 due to capital asset acquisitions and accumulated depreciation. The Utility Fund is virtually debt free. He did not find any material weaknesses and the only issue of non-compliance was two departments being slightly over budget. Mr. Ambrose said the Rockefeller Institute on Government is seeing an upward trend in governmental revenues; however revenues are still significantly below where they were a couple of years ago.

Recorder Hale explained the governmental department was about \$400 over budget due to a last minute unforeseen mailing of newsletters and the parks department was over because of her numerical mistake in typing \$1,000 instead of \$10,000 on a budget line item. She thanked Mr. Ambrose for his help and said he answers her questions, not only at audit time, but throughout the year as well. He is a great asset to the City.

4. **Request from T&M Automotive to modify their conditional use business license to include sales and installation of tires and performance of safety and I/M testing:**

Commissioner Weller explained Matthew Aubrey appeared before the Planning Commission on December 16th requesting to include the sale and installation of tires and performance of safety inspection and I/M testing to his conditional use business license. After meeting with him, they found he had met all the requirements of his conditional use license thus far. The Commissioners would like to recommend that T&M Automotive be allowed the modification with the conditions he store the more expensive tires in his building at night to alleviate theft and to contact the Davis County Mosquito Abatement District because sitting tires tend to collect water and become mosquito breeding grounds.

Mr. Aubrey said he is not licensed for I/M and inspections yet, but wants to be prepared for when he receives it. He will keep anything he can inside the building and will be building racks for the tires he cannot store inside. He will contact Mosquito Abatement this spring.

Council Member Furniss made a motion to approve the modification to the T&M Automotive conditional use license to include selling wheels and tires and performing safety inspections and I/Ms with the conditions established by the Planning Commission. Council Member Andrews seconded the motion. The motion passed unanimously.

5. **Appoint Scott Stevenson as an Alternate Planning Commissioner:** Commissioner Weller introduced Scott Stevenson and said he was interviewed by the Planning Commission on December 16, 2010. The Commissioners found him to be an excellent candidate to be an Alternate Commissioner.

Council Member Carlson made a motion to appoint Scott Stevenson as an Alternate Commissioner. Council Member Budge seconded the motion. The motion passed unanimously.

6. **Approve 2011 Council meeting dates:** The 2011 dates were presented to the Council. No holidays or Election days interfere with the regular 1st and 3rd Tuesdays in 2011.

Council Member Chapman made a motion to approve the dates presented. Council Member Andrews seconded the motion. The motion passed unanimously.

7. **Council Member Reports and General Information:** Council Member Andrews wished everyone a Merry Christmas and Happy New Year. He reported Sunset Jr. High School raised over \$5,700 for "Sub for Santa" this year.

Council Member Carlson requested an update on the "Shop with a Cop" and the recent happenings on Main Street. Last Tuesday he was elected to as Treasurer for the Mosquito Abatement Board. He also wished everyone a Merry Christmas.

Council Member Budge said the Citizen Corps received a copy of Heidi Blaylock's Channel 4 interview at the Festival of Trees and the City will be receiving a \$50.00 invoice for it. Mrs. Blaylock will be going back to school in February so she asked the Citizen Corps

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Council for extra help. She wished everyone a Merry Christmas and a Happy New Year and thanked everyone for all they do.

Council Member Chapman thanked the residents for their comments during the public hearing. At the last Council meeting they approved the Assistant Police Chief position. He was torn about it, so he reviewed the City Personnel Policies and Procedures. He feels they went about it in the wrong way because of specific procedures mentioned in the Policies and Procedures, which include reviewing a complete job description. He just wants all of them to be aware that there are policies they need to follow. He wished everyone a Merry Christmas and Happy New Year.

Council Member Furniss said he attended the first annual Fire Department Awards Ceremony and he was moved by it. He relayed some of the heroic deeds done by fire fighters. He said they have to do it because they are proud to be a fire fighter, not for the money because they only get paid a small token of what they're worth. He reported on the North Davis Sewer District. When sewage is processed it is called cake. The Class A cake is expensive and can be given away. Class B cake is less expensive and they have found a farmer who will take it for his farm. They are continuing a south relief line construction project although they have run into a couple of snags. He encouraged everyone to take a tour of the sewer plant. He welcomed Mr. Stevenson to the Planning Commission and wished everyone a Merry Christmas.

Asst. Fire Chief Weston replied to Council Member Carlson's question that there have been several accidents on Main Street, but none have been serious.

Police Chief Eborn said "Shop with a Cop" went well and there were 30 plus officers, which also included Sunset and Clinton Fire Fighters and Davis County Officers, to take the kids shopping. He was glad Walmart included Sunset this year and sent them a thank you letter. There were 25 children who seemed very deserving. Walmart got with Davis County Family Services to choose the children. If they get asked to do it again next year he will try to involve more local children.

Public Works Director Hennessee advised the Christmas tree pick up will be on January 5th. He emails updates on Recreation and Public Works to the Mayor and Council Members, but Council Member Andrews' email does not seem to be working, so he will have the updates printed off and put in his box. Council Member Andrews explained his computer is down.

Treasurer/Office Manager Youngdell said the office will be closed on the next two Fridays for the Christmas and New Years holidays. She will have W-2's out by January 31, 2010. She welcomed Scott Stevenson to the Planning Commission.

Mayor Bangerter advised Recorder Hale has listed the businesses not renewing this year in the Council packets. He is sad to see those leave and asked the Council Members to work on looking for more businesses to locate in Sunset. There is a huge potential for business success with the Falcon Hill development happening. He would like to have information sent to corporate heads of businesses detailing future happenings. He also attended the Fire

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Department's Awards Banquet and dinner and agreed it was very nice. He also attended the Shop with a Cop and said it was good to mingle with the other entities' Officers. He attended the COG, Wasatch Integrated and City Christmas parties last week. This year they were able to give Christmas gifts from the City to volunteers as well as employees. They had to reduce the individual amounts some, but that was a way to recognize more people and still come within budget. He has ridden with most of the Officers and they do a great job. The Police Officers and Fire Fighters do a wonderful job taking care of the many accidents that happen in the City. The Public Works Department does a great job keeping the streets clean and maintaining the infrastructure. He thanked the Administrative Office. Treasurer/Office Manager Youngdell writes so many letters for him and he thanked her for it. He thanked Recorder Hale for doing some for him also. He thanked Christina, Lisa and Chrissy for all their hard work. He is very impressed with the employees of the City and thanked them from the bottom of his heart. He mentioned Wasatch Barricade has given a donation to the Primary Children's Hospital on behalf of Sunset City. He wished everyone a Merry Christmas and Happy New Year.

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

The meeting adjourned at 8:15 p.m.

These minutes have been read and approved at the regular City Council meeting held **January 4, 2011.**

Chad Bangerter, Mayor

Susan R. Hale, Recorder