

**Sunset City Corporation
City Council Minutes
July 21, 2015
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Minutes of a regular meeting held July 21, 2015 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Macfarlane presiding.

REGULAR SESSION

Mayor and Council Present:

Beverly Macfarlane	Mayor
Ryan Furniss	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Dan Ripple	Council Member

City Employees Present:

Susan R. Hale	Recorder
Ken Eborn	Police Chief
Jason Monroe	Public Works Director
James Weston	Fire Chief
Joni Goodman	Firefighter

Excused:

Kevin Snow	Council Member
Linda J. Youngdell	Treasurer/Office Manager

Others Present:

Paul Ray	Utah Representative
Nefi Garcia	Verizon Wireless
Craig Paul	Davis County School District
Dr. Helen VanNatter	Davis County School District
Terry Avondet	Sunset Citizens Corp
Leslie Moore	Bonnie Larson
Janet Lujan	Ellen Cutler
Wanema Butcher	Mene Jabiczynski
Cheyrl Budge	William Kirshner
Shirley Griffiths	Joyce King
Chris Hadley	Dirk Kendall
Max Hill	

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

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

Approval of Minutes: Council Member Ripple made a motion to approve the minutes of July 7, 2015 as presented. Council Member Furniss seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay and Ripple voting yes.

Approval of Vouchers: Council Member Peay made a motion to approve the voucher for Larry H. Miller in the amount of \$26,222.91. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay and Ripple voting yes.

Public Comments: There were none.

Council Member Peterson made a motion to go into the public hearing. Council Member Ripple seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay and Ripple voting yes.

PUBLIC HEARING

To receive public comment on amending the FY16 budget to increase beginning wage of police officers: Mayor Macfarlane explained this issue was not brought to the Police Chief's and Council's attention until after the budget was approved. It was discovered the surrounding cities were paying about \$2.00 per hour more for their police officers' starting wage. If they increase the beginning wage they may have to also increase the wages of the two lowest paid officers so they aren't making less than the new officers. Police Chief Eborn thanked the Council for looking into this. During the budget sessions, he was given approval to replace a wrecked vehicle and use an extra \$5,000 on the down payment. He advised he may have enough money in his budget for an incremental increase if he pays a lower down payment and extends the loan to four years instead of the planned two years. Mayor Macfarlane opened the public hearing for public comment, allowing each person three minutes to state their comments.

Bonnie Larson said when she heard how low the officers' wages were, she felt embarrassed. She feels they should be able to recruit quality police officers and that means they should have competitive wages.

Mene Jabczynski said she is here tonight to speak for all of the officers. She believes if a \$2.00 increase is given to the starting officers, there should be something across the board for all of the officers. If they don't, she believes the City will lose them and they are important to the citizens.

Terry Avondet believes they need to increase the beginning wage, but she also believes they need to stay loyal to the other officers who have been dedicated to Sunset for so long. They deserve to have their salaries taken care of, also.

Dirk Kendall said he agrees with what has already been said and believes Council cannot do the officers justice without opening the budget. If they need to open the budget to give the officers fair wages, then they should do it.

Council Member Ripple made a motion to close the public hearing and go back into the regular session. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Peay and Ripple voting yes.

- 1. Consider Resolution 2015-08 amending the General Fund budget:** Recorder Hale explained she drafted eight options from the conversation the Council had at the last meeting. The options increase wages from \$0.50 to \$2.00 in \$0.50 increments. The first four increase only the beginning wages for the two openings the Police Department has and the last four increase those plus the same amounts for the two lowest paid officers in the Department. The increase to the budget would be from \$1,760 for a \$0.50 increase for the two opening positions up to \$21,565 for a \$2.00 increase for all four positions.

Council Member Furniss appreciates the sentiment for the Police Department, but asked where the sentiment was when they were discussing the Fire Department. The firefighters are making below minimum wage. The beginning wage for Public Works is \$13.25 and he wondered why the residents weren't concerned about their wage. He would like to see equality for all the employees. If they open the budget, they should look at the wages of all the employees.

Council Member Ripple agreed, but said he doesn't believe a \$2.00 raise across the board is appropriate. The Police Officers are doing much different work with the possibility of getting shot at than a Public Works employee mowing the lawn. They are equally important, but they are doing different jobs. He would like to see a \$2.00 increase for the two existing officers and a \$1.50 increase in the starting wage this year and adding \$0.50 to it next year.

Council Member Peay agrees they should look at all the employees' wages, but believes the low beginning police wage issue needs to be dealt with now. She would like to see a \$2.00 increase for the four positions mentioned and then look at the other employees' wages. They should do their research on the other Departments' wages and then decide what they need to do with those.

Council Member Peterson believes the problem is more than just money. The officers who have gone to another agency also left because there is more opportunity for advancement in other agencies. They may still have the issue even if the wages are increased. He is for giving the four positions a \$2.00 increase.

Council Member Furniss said he talked with an officer who had applied here, but also applied at West Bountiful. West Bountiful requires the officers to sign a 36 month contract. He wondered if Sunset needs something like that. Chief Eborn said he spoke with the City Attorney who said if an officer leaves Sunset for another police agency, they could exercise the right to recoup the cost of their training, but if they left for any other reason he believes the City would not be able to do anything.

Council Member Peay wondered about the option the Council discussed about allowing Chief Eborn some leeway in the starting wage of a new hire. Maybe give him a range of \$16.00 to \$18.00 he could offer based on the applicant's qualifications. She would also like to give the two bottom paid officers a \$2.00 increase.

Council Member Furniss said he has talked to two of the applicants he knows personally and they would be happy to start at \$16.00 an hour. He said \$16.00 is also the starting wage for the Highway Patrol; some disagreed with that statement. He is in favor of leaving the beginning wage up to Chief Eborn from \$16.00 to \$18.00 an hour and making sure those already employed are not surpassed by a new hire, unless the new hire has a lot more experience and education. He would like to increase the two lowest paid officers up to at least \$18.00 an hour. Later in the year, he would also like to look at the other employees.

Council Member Peterson made a motion to approve Resolution 2015-08 increasing the General Fund budget by \$21,565. Council Member Ripple seconded the motion. The motion passed unanimously with a roll call vote. Council Member Furniss – yes, Council Member Peterson – yes, Council Member Ripple – yes, Council Member Peay – yes.

- 2. Update from Police Department Retention Citizens Committee:** Mayor Macfarlane explained the committee was formed for citizen input because during the last meeting they discussed the possibility of contracting with another agency for police service. She received a lot of phone calls on this issue and some of the members were chosen from those who called or emailed. She asked Max Hill to present their findings at this meeting.

Max Hill said the committee met on July 8th at 6:00 p.m. Those in attendance were Max Hill, Kathy Gittins, Howard Trotter, Larry Anderson, Dirk Kendall, Joshua Ruberson, William Kirshner, Cheyrl Budge were Mayor Macfarlane, and Police Chief Ken Eborn. 12 residents were contacted, but only 8 of them were able to attend. Chief Eborn made a presentation to them about what he was up against with retaining the officers. He gave them a comparison of the officers between Sunset, Syracuse, Clinton and Clearfield. During the last year Sunset's 8 Officers (including the Police Chief) handled 5,248 cases, Clinton's 17 officers handled 6,099, Syracuse's 18 officers handled 8,339 and Clearfield's 29 officers handled 15,048. Those figures show Sunset was much busier per officer than the other cities. Sunset's 8 officers cover the 40 shifts per week with no carry over. The citations issued bring in between around \$500,000 each year and the Police Department budget is about \$775,000 to \$815,000 a year. After Chief Eborn's presentation they had a long discussion on possibly joining a unified police department. They talked about cost, response times, losing control of the police services and adequate police coverage 24/7. The end result was they know what they have now and do not know what they will get if they go with another agency. The vote was unanimous in that they are happy with the police service they have and they want to keep the Police Department.

Council Member Furniss asked if they also discussed the cost of the Court to administer the citations and Mr. Hill answered they did not. Mayor Macfarlane mentioned the committee wanted to keep the Police Department even if it meant raising taxes. Council Member Furniss was concerned that the committee was formed without the advice and consent from the Council and that two of the members, Cheyrl Budge and Dan Ripple, are Council Candidates because he believes that is a conflict of interest. He was also concerned that it was one sided in that no other Police Chiefs were invited to see what they could offer. He is going to go on his own and meet with Clinton's Police Chief, Sheriff Todd Richardson and

Clearfield's Police Chief before he makes his decision. He appreciates the committee's recommendation, but he has to vote based on all the facts.

Mayor Macfarlane said the Council advised her to form a committee, which she did. She does not care what Clearfield, Roy, etc. can offer; she cares about what Sunset citizens want. She wanted to find out if the residents even wanted them to look into a merge before taking the time to do all the research. The committee's opinion was it did not matter what the wage is and if taxes were increased; they wanted to keep Sunset's Police Department. If the committee had wanted to see what other entities would do, that is what she would have done.

Council Member Ripple agreed with Council Member Furniss that it was inappropriate for candidates to be on the committee. He clarified he was scheduled to be on the committee, but was not able to be there. Mayor Macfarlane explained he is part of the Council right now and she wanted a Council Member to be on the committee. Council Member Ripple believes the conclusion the committee came to could wasn't evaluated as well as it could have been if they would have had other Police Chiefs at the meeting. He personally is not in favor of contracting the Police Department out, but feels it would be worth seeing what other agencies have to offer, especially if keeping the Department would mean a big tax increase.

Council Member Furniss believes the officers leaving Sunset for Clinton are doing so for advancement and Clinton officers get a new car every two years. On the matter of calls, Clinton backs Sunset up when the officers are busy. He said when they looked at options for the Fire Department, Mayor Macfarlane had the North Davis Fire Chief give a proposal and asked why that didn't happen with the Police Department. He does not believe the committee members and the group of citizens present tonight represent the whole City. He has received comments from residents that want to see what other agencies have to offer. Mayor Macfarlane offered to have the Chiefs and Sheriff attend a Council meeting so all the Council Members can hear their proposals.

Mr. Hill advised in all the committee discussions he took the opposing view, but he was shut down 100% on each item.

Council Member Peay stated she is not for contracting out the Police Department. As a Council Member, she is not receiving e-mails from residents on the subject and asked Mayor Macfarlane to forward the emails she has received to her so she can see what the opinions are of the residents. She talks to the citizens in her neighborhood, but she would like to hear what the other areas are saying.

Council Member Furniss made a motion to table this item. Council Member Peterson said he supports the Police Department 100% and they will not get his vote to get rid of them. Council Member Furniss amended his motion to state this is tabled and when they meet with those other agencies, she include the entire Council and stop doing this two member Council thing. Mayor Macfarlane said she will have them come to a Council Meeting so the citizens can hear them as well. Council Member Ripple seconded the motion. The motion passed 3

to 1 with Council Members Furniss, Ripple and Peay voting yes and Council Member Peterson voting no.

3. **Presentation on the Davis County School District Bond:** Craig Paul, an Asst. Superintendant for the Davis County School District, introduced Helen VanNatter, who will be helping him with the presentation. Mr. Paul explained the Board of Education has approved asking the voters to accept a bond in the amount of \$298 million during the upcoming Election. The bond will be for improving the schools' growth. Sunset Jr. High School will receive some significant changes. In the past the three Elementary Schools have received significant changes and Doxey Elementary will soon undergo another renovation for a multipurpose room and make the kitchen big enough to accommodate all the students. His purpose here today was to inform the Council about the bond and ask for their support of it. He also asked the Mayor and Council Members to sign their name to documents supporting the bond. He showed a video outlining the needs of the Davis County Schools and their plans to help meet those needs.

Dr. VanNatter stated the Davis County School District had about 33,000 in the 1970's; now it has over 70,000 and the projection is for continued growth. Right now, they have addressed the growth short-term with 350 portable classrooms, five year-round schools, using common areas as classrooms and sometimes there are boundary adjustments. Since 1995 they have built 15 Elementary Schools, 3 Jr. High Schools and 1 High School. They have rebuilt and added capacity to four schools. Now the central/west side of Davis County has some of the largest Elementary Schools; one has over 1,100 students which is more than they like for Jr. High Schools. The two new schools, which were a part of the last bond, will address that area. There are several schools above capacity now and they project a large amount of portables shortly. Portables are only a short-term fix because they do not address restroom facilities, lunchrooms, libraries, etc. Davis High School is projected to have 8 portables and common areas and teacher prep areas are already being used as classrooms. Davis High School has more students than BYU-Hawaii and several junior colleges. The Davis County School District Board is proposing a building bond. The new construction, additions and property purchases will total \$246 million and maintaining existing infrastructure will be \$52 million, so the bond they are asking for will be for \$298 million. This bond will only be for building; it cannot be used for salaries or supplies. They plan to build a new high school, a new Jr. High and 2 elementary schools. Sunset Jr. High is planned to be one of the schools to be remodeled. The tax increase will be a total of \$13.32 on a \$240,000 home over the whole five year term of the bond. The wording of the ballot is confusing and would like the Council to be able to explain it when questioned. They feel they have been extremely fiscally responsible for the last bond in completing 121 projects and plan to be the same with the new bond.

Council Member Furniss asked what the plan was for the students while the school is being renovated. Mr. Paul replied they would be moved into portions of the building not being remodeled at the time and use portables. When asked what the District's bond rating was, Mr. Paul replied it was AAA. Council Member Furniss said Sunset had been using the District's fields until a couple of years ago when the District stopped allowing Sunset

recreation use any of their fields. He asked if Mr. Paul knew anything about this. Mr. Paul said that was amazing to him because their fields are used constantly District-wide. He will check on this.

Council Member Peterson wondered if having the bond on the ballot when the transportation tax may be on the ballot will hurt the outcome of the bond. Mr. Paul said the Board is aware of that possibility, but believes it cannot wait another year.

- 4. Legislative update from Representative Paul Ray:** Representative Ray said Sunset Jr. High School is in need of a rebuild and not just a remodel. He is personally opposing the bond until he sees what they are doing for Sunset Jr. High. He has been coaching basketball there and the school is overcrowded, needs air conditioning and there are parts of the school they couldn't use because they are falling apart. He personally donated \$1,500 so the upper balcony of the gym could be made useable. The northern part of Davis County gets screwed every time so he is opposing the bond because the District doesn't know what they are going to do with Sunset Jr. High at this time. The bond is good for the rest of the District, but not for the north end. The north end is growing also, but not recognized.

The Legislature approved a \$14 billion budget with no tax increases. They redid the transportation funding and hope Davis County will put the transportation tax on the ballot this year so citizens can vote for more money for city streets. 1800 North is very high on their priority list. This year there is new leadership with Greg Hughes being the Speaker. Representative Ray's assignments this year share the social services budget and are Medicaid, Department of Health and on the Justice side rehabilitation and youth corrections. He is still the ranking member of the law enforcement and health and community services committees. He is also the Chair for the Utah Veterans and Military Affairs Commission. He is trying to remove the income tax on veteran retirement as Utah is one of few states who charge a tax on it. When asked if he has a budget to help the seniors, Representative Ray said there are many items they help the seniors with and one of their focuses is the baby boomer generation aging out. He got a bill passed addressing Alzheimer disease. He is running a bill on police body cameras this year. There are several competing bills and the one that scares him is the one discussed last year requiring the cities to retain the videos and pay the cost of retaining it. His bill will say it is up to each individual agency if they want to have body cameras or not. If they do there will be minimum requirements and they can add any other requirements necessary for their entity. HIPPA and GRAMA is a concern with the videos. When asked if he could help the North Davis Sewer District with the EPA regulations on discharging water into the Great Salt Lake. He said the best person for that would be from Congressman Bishop, who is watching it very closely, but he would be happy to work with Council Member Furniss on a resolution. As the MIDA Board's membership changes, he has put pressure on them to include Sunset on the Board. He will get Mayor Macfarlane on the Veterans and Military Affairs Commission agenda so she can speak to them about this. He believes the northwest corner of Davis County is the most overlooked area, but now three senior members of the house are from this area so there is a lot they can do now. He plans to hold a town hall meeting in the fall and one right before session so he will be more aware of what the citizen concerns are. The bills can be tracked on the

legislative web site. The State Legislators do not have staff except during the sessions, so he will answer his emails and phone messages as soon as he is able. He is working on a bill to get death benefits for the Utah National Guard if they are working on state actions similar to what they get if they are working on Federal actions.

- 5. Consider approval of the Verizon Wireless Land Lease Agreement:** This agreement has been discussed in prior meetings and has been reviewed and approved as to form by City Attorney King.

Council Member Furniss made a motion to approve the Verizon Wireless land lease agreement. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Ripple and Peay voting yes.

- 6. Recognize Marcus Garcia for 10 years of service with Sunset City:** Mayor Macfarlane said as of July 18th Marcus Garcia has been with Sunset City for 10 years and has done an awesome job. She presented him with a check and he was congratulated by the Council and audience.

- 7. Sunset Youth City Council report:** Council Member Furniss reported the Youth City Council made the most they ever have at the Pepsi trailer during Fun Days. Their float looked good with the super hero theme. One of the Youth City Council Member's mother will probably take over as Youth City Council Advisor and another Member's mother who said she will be an assistant. Advisor Peggy Stevenson is going back to school and she has done a great job with the youth. The Mud Volleyball Tournament was a success with three teams and hopefully it will grow next year.

- 8. Consider awarding bid to demolish the City owned rental house:** This item was discussed during the last Council meeting and Public Works Director Monroe still recommended using Pappas Brick. He contacted them and the quoted price of \$4,980 was still good. They will abate the asbestos at the time of demolition and it will be cheaper than if they did the abatement now and the tear down later. There quoted bid does not include the abatement. Mayor Macfarlane asked if there were any questions about what Director Monroe emailed them regarding the revenues and expenses over the years on the house. There were no questions.

Council Member Furniss made a motion to award the demolition of the City owned rental house to Pappas Brick and Stone and that the award cover the abatement as well. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Ripple and Peay voting yes.

- 9. Mayor and Council Reports:** Council Member Furniss stated the EPA regulation issue is a huge deal with the North Davis Sewer District Board. He hopes whoever sits on that Board next year will fight for the District as he has done and will keep doing the rest of this year. If the EPA gets what they want the sewer fees will triple. He hopes everyone knows he is trying to do what is best for the City. They have come to a point where some drastic

changes need to be made or they need to look at outside options. They can't just put their heads in the sand and ignore the problem. He wants the City to be financially stable so they can continue the services they have now. He has nothing against the Police Department or any other Department; he is trying to look at the future and look at ways to pay the increase in costs. He will continue to look at all options.

Council Member Peay thanked everyone who worked so hard on Fun Days. It turned out great and was fun. The streets were packed for the parade, the mud volleyball was fun and the fireworks were awesome. She gave kudos to the Youth City Council for their work during Fun Days. She has talked to Lorilee Beazer about setting up a committee to plan the Veterans Day celebration. Mrs. Beazer would really like to incorporate the Daughters of the Revolution into that day too. They will probably meet once a month.

Council Member Peterson thanked the residents, candidates and employees for attending the meeting.

Council Member Ripple reported the Citizens Corp was hugely successful in their booth at Fun Days. They got three pages of names who want to take the CERT classes. The volunteers were wonderful. He thanked everyone who helped with Fun Days. He recommended getting a speaker system up to announce what was happening during the celebration. A map has been added to the City website and they are working on getting more information disseminated.

Mayor Macfarlane said she has been busy working with the Kiwanis Club and HAFB. She has attended many 'change of commands'. She is excited for the invitation from Representative Ray to speak to the Veterans and Military Affairs Commission. She has talked to everyone she can involved with MIDA to get Sunset a spot on the Board. She will attend a conference with Wasatch Integrated Systems Board in August. She believes Neighbors helping Neighbors is a good program for Sunset because the City has to look nice for economic development.

- 10. Department Reports:** Police Chief Eborn thanked the eight CERT members who helped with the fireworks perimeter this year. The radios they were to use did not charge, so they were communicating by text and him walking around touching base with them. The police officers were very busy during Fun Days, but they did good getting to all incidents. He praised the CERT volunteers for their help; being a man down, the Police Department could not have done the perimeter without them. He thanked the Council for the wage increase and he will do everything he can to keep the Police Department here.

Public Works Director Monroe thanked everyone who helped him make Fun Days as good as it was. Everyone pitched in and they had a great time doing it. Last week they had a water leak on top of Fun Days and a huge sink hole, so the Public Works employees were very tired after working almost 80 hours during the week. 1300 North will be closed off and on at Main Street for a week or week and a half while the water line is being installed. Immediately after that is done UDOT will have their storm drain line installed. Main Street

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will be milled up and resurfaced all the way from Midland Drive in Roy to Clearfield over the next three months. He asked people to be careful and keep watch the orange cones so they don't drive in the wrong lane. The CDBG 300 West Road Project should be finished tomorrow. Mayor Macfarlane commended Director Monroe for all he and his employees have done cleaning up the parks and playgrounds in the past five months.

Fire Chief Weston thanked the Public Works and Police Departments for their help during the fireworks. The ISO inspection, which is an audit of the fire suppression system, has been done and the detailed report may take up to six months to receive. He hopes to keep their rating. The inspector recommended the Department obtain another pumper truck and a ladder truck. Mayor Macfarlane said for many years the fire hydrants have not been flushed because it sometimes causes the water lines to break. Director Monroe and Chief Weston are developing a plan to flush the fire hydrants and the water lines will be fixed if they break or leak.

Recorder Hale reported for Treasurer/Office Manager Youngdell that the RFP has gone out for the Auditor and is due by July 27th. They will do the others requested probably one at a time. A liability dividend check in the amount of \$3,681.49 from the Utah Local Governments Trust has been received. Shalon Baty has withdrawn from the two year council race so there will be no Primary this year.

Council Member Furniss made a motion to adjourn. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Ripple and Snow voting yes.

The meeting adjourned at 9:05 p.m.

Approved – August 4, 2015

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder