

**Sunset City Corporation
City Council Minutes
September 16, 2014
Page 1 of 10**

Minutes of a regular meeting held September 16, 2014 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Pro-Tempore Snow presiding.

5:30 WORK SESSION

Mayor and Council Present:

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

City Employees Present:

Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Norm Noyes	Public Works Director
Breen Lowman (via phone)	Fire Chief

Excused:

Susan R. Hale	Recorder
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Absent:

Chris Hadley	Council Member
Kevin Snow	Council Member

- 1. Discuss Fire Department restructuring:** When asked if he works any shifts at the Fire Department, Fire Chief Lowman replied he does not because his responsibility is different than a regular fire fighter. As the Fire Chief, his responsibility is overall command of the scene, safety of the scene, safety of the fire fighters and directing access to the scene. If he is an on-shift fire fighter manning the fire truck or ambulance at that time, it would make it very difficult to assume that command roll and maintain the safety of the firefighters. The Assistant Chief does pull shifts, but he does not know of any other Fire Chiefs that pull shifts like that. It doesn't mean he can't cover shifts until someone else can cover it when needed. There are numerous times in the last year he has covered partial shifts when someone scheduled could not make it. When the proposal for this restructure was presented, it was Council Member Furniss' understanding the Chief would also pull shifts in order to make it work. It was clarified that was never in the proposal. Council Member Furniss said he would drop that issue. He sees a lot of the duties the Chiefs in the past had getting pawned off and he has heard that from numerous fire fighters. He believed Chief Lowman was receiving the same pay as the previous Chief, but it was stated Chief Lowman is receiving quite a bit less due to starting at the beginning pay grade. Council Member Furniss said the reason the current structure worked is because the Chief, Assistant Chief and all fire fighters stepped up and said they would make it work financially and he is trying to hold the fire fighters accountable for what they agreed to in the beginning. Mayor Macfarlane believes doing the restructure on a trial basis for one year will allow them to see if it works or not and they can pull it back at the end of the trial if it doesn't work. Chief Lowman and Mayor Macfarlane did not want to put this in place permanently until they can make sure it works.

Council Member Peterson said at the last meeting Chief Lowman told them he had received six applications to fill the eight positions. Chief Lowman said that was correct and at that point Council Member Hadley gave him the direction to stop taking applications. There are quite a few members of the Fire Department who are interested, but for whatever reason had not applied. His intention, if given the go ahead, is to keep the six applications already received and to open it back up for a week so the rest who want to can apply. He is sure they will then have enough applications to fill the eight positions internally. Council Member Peterson wanted to make sure when the part-timers move on, there would be enough people within the Department to move into the part-time positions. Chief Lowman believes they would and one of the main purposes of this restructure is to give the fire fighters something to work for. Council Member Peterson said another thing he wants to watch out for is full-time fire fighters. Chief Lowman said the current structure of Sunset City would not allow for full-time fire fighters. Mayor Macfarlane attended a MIDA meeting and someone told her services is where Sunset may benefit from their project, so maybe this is also a way to project long range plans for fire services. She feels like Chief Lowman will be the first one to say if this proposal is not working.

Council Member Peay is on board with the restructure. Council Member Peterson feels the Fire Department has always been a volunteer department, it has evolved in the last few years and he believes they are kind of getting out of their league; however he will support Chief Lowman in this. Council Member Furniss agreed with Council Member Peterson in that he also believes the Fire Department is trying to become something they're not. What the Fire Department was worked pretty well and now they're looking at something new and it's hard for him to swallow. Mayor Macfarlane said it is very hard to organize volunteers for any reason on a short term basis, let alone on a continual basis. Council Member Furniss said that is his point. He reread the minutes when they were getting the first ambulance where they said there was buy in and it would work. There is a disconnect with the previous buy in and now because he believes the fire fighters realize it consists of a lot of shifts for little pay. Most want to become full-time fire fighters and does not want to give the impression that Sunset may become a full-time department. Chief Lowman does not believe he gives the fire fighters that impression. Again, this proposal is entirely within current budget and he is just looking at a different way to conduct business. He is not trying to change the feel of a volunteer fire department as the vast majority will still be volunteers. The Department trains fire fighters who go on to work full-time in other departments and he just wants to find a way to keep some in Sunset as well to take advantage of all the training they've done.

Mayor Macfarlane asked the Council if they were willing to give this a try and give Chief Lowman support during the trial. Council Member Furniss replied he would with extreme reservation. He is concerned there are underlying issues that this restructure will not solve. A lot of the senior fire fighters have left, some of which were already full-time fire fighters and this was just a hobby for them, and that concerns him. They have always been told fire fighters were not in this for the pay, but for the love of the job. Now it seems there are more people in it for the pay. Chief Lowman was not sure of what issues Council Member Furniss referred to. They have talked in a previous Council meeting about five senior fire fighters who had left the Department. Those fire fighters left due to changes in their jobs, moving out

of the area and those types of things. As turnover goes, he does not have control of those types of things, but will always work to keep good qualified people in the Department and work to bring good qualified people in to the Department. He would be happy to go over each of the employees who left in the last year and discuss why they did. Council Member Furniss does not believe this is the appropriate place, but would like to talk to him in private. Chief Lowman said he would be happy to answer questions, but the Department Heads have been instructed to approach Mayor Macfarlane first. Council Member Furniss clarified he cannot just talk to Chief Lowman. Mayor Macfarlane said he might want to go through Council Member Hadley since he is over the Fire Department. Council Member Furniss said protocol is important at times, but if he wants information he is not going through a third party; he will go directly to the Chief. Chief Lowman said Mayor Macfarlane has directed them to have the Council Members to go through the Council Member over them or through the Mayor. Mayor Macfarlane said she would like him to come to her and maybe the three of them and Council Member Hadley could meet to talk about it. Chief Lowman said he keeps being accused that good people are leaving the Department all the time and there is some underlying reason why. He is more than happy to talk about any fire fighter than has left and if he knows the reason why he is more than happy to explain it. Mayor Macfarlane said she will have Treasurer/Office Manager Youngdell set up an appointment for them to meet so they can get any underlying issues cleared up. Council Member Furniss asked for clarification from Mayor Macfarlane that the Council Members cannot go speak with the Fire Chief with out her. Mayor Macfarlane explained Council Member Hadley is over the Fire Department by her assignment and he should be the one to go through. She would not send someone to the Sewer Board in Council Member Furniss' place or send someone to the Youth Council because that is his assignment and responsibility. Council Member Hadley needs to be respected, as the Fire Department is his assignment and he will oversee it.

Council Member Peay had to step out of the meeting so the meeting was suspended due to lack of a quorum. The meeting resumed upon Council Member Peay's return.

Mayor Macfarlane stated the concerns of the Council Members have been heard and she believes they will see him through the trial period. However, she still wants a meeting with Council Member Furniss, Council Member Hadley, and Chief Lowman so they can clear up any underlying issues. Council Member Furniss clarified he does not have an issue with Chief Lowman; the issue is with the structure and what they were previously promised. His goal is to hold them accountable for what was presented to them when they first proposed getting an ambulance. Chief Lowman stated they are still fulfilling that responsibility of filling the shifts. Yes, sometimes they have to scramble to fill a shift, but it does get covered. They can continue to conduct business that way; he was just looking for an out of the box, and perhaps better way, to do business.

Council Member Peterson said it was his understanding when the ambulance was received that Chief Coker would be taking a shift as well. Council Member Furniss agreed. Chief Lowman explained he was brought on as Asst. Fire Chief long after the ambulance was already up and running and Chief Coker was not working any shifts then. When he subsequently became Chief, nothing about the Chief pulling shifts was mentioned, nor are

they in the Chief's job description. Council Member Furniss asked Chief Lowman if he would work a shift if the Council told him to. Chief Lowman said he would have a difficult time with that. Council Member Furniss asked him if time due to his other job wasn't the real issue and all the rest of this fluff was secondary. Chief Lowman replied he could work a shift. He is required and paid to work a minimum of 19 hours a week conducting department business and he far exceeds those hours every week. It's not about if he can physically fill the shift or not; his responsibilities as Fire Chief are separate and distinct from the responsibilities of a fire fighter. Council Member Furniss asked to move on stating his questions were done.

Mayor Macfarlane stated they would go forward with the restructuring with the caveat that she, Council Member Furniss, Council Member Hadley and Chief Lowman would have a meeting. The restructure will be done on a one year trial basis and Chief Lowman will keep the Council updated on how it is going. Chief Lowman said, with her concurrence, he would reopen the position for one week to accept more applications. Mayor Macfarlane said she knows this is a little frustrating but believes they need to give it a try.

2. Discuss traffic control devices and crossing guards at Sunset, Doxey and Fremont

Elementary Schools: Council Member Council Member Furniss explained a resident contacted Council Members Furniss, Peay and Hadley and Mayor Macfarlane regarding the speed of vehicles on 250 West and a near miss involving his child and a vehicle in a school crosswalk. He read a message from Facebook by Peggy Stevenson, "Since last week's tirade about Luke nearly being hit by a car, we have personally spoken with (the three City Council Members I've already stated), the Mayor, Chief of Police, two Police Officers. The Chief is spending this week in our crosswalk helping the kids cross and educating them about how to cross safely. On the City Council agenda for tomorrow night is the discussion to find a resolution both immediately and for the future. There is a problem. I have never had a good thing to say about living in this City, but right now I feel so grateful to be heard and validated and so happy to experience politicians here doing what they say they'll do." Council Member Furniss stated, as he has evaluated the crosswalks, there are some things that need immediate attention, like painting the faded red zone to prevent people from parking there and blocking the view of the children trying to cross the street. They discussed crossing signs, flashing lights and also that some crosswalks are not ADA compliant. Council Member Furniss would like the red zone painted and the safety signs ordered by Friday. Public Works Director Noyes said he has the reflective panels he can put out now. Police Chief Eborn said it is their Green Ribbon Safety Week so he committed to do extra crosswalk safety for them this week, but he cannot do it long term. He talked to the Officers about being more vigilant and he has talked to the kids about how to safely cross. He told them they do have the right of way, but they don't want to walk out in front of a car because they will lose the battle. He has been thinking about doing a campaign of stopping the good drivers, commending them for their actions and giving each child in the car a prize. Council Member Furniss stated this is what he likes about our City. When these situations arise, the Department Heads step up and figure things out. Mayor Macfarlane agreed saying Fire Chief Lowman plans to touch on it during Fire Prevention Week and she will get some books about it when she reads to the students.

Sunset City Corporation
City Council Minutes
September 16, 2014
Page 5 of 10

Council Member Peterson commented when he heard of this issue, he spoke to some people and was told each school has a plan of where the kids should cross the street or be dropped off and picked up. He wondered if any of them had talked to the schools to see if the plans were being followed. Mayor Macfarlane said she talked with the principal about that and he would send home a flyer with the kids so they and their parents would know. Chief Eborn stated he knows each school has a child access routing plan because he has to sign the plan from each school every year. However, whether the kids follow it or not is another thing.

Mayor Macfarlane believes if they do some educating and put the reflective signs out it may remedy the situation, however it won't stop every instance.

Council Member Peay made a motion to adjourn the work session and enter the regular session after a five minute break. Council Member Furniss seconded the motion. The motion passed unanimously.

6:30 REGULAR SESSION

Mayor and Council Present:

Beverly Macfarlane	Mayor
Ryan Furniss	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

City Employees Present:

Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Norm Noyes	Public Works Director

Excused:

Susan R. Hale	Recorder
Breen Lowman	Fire Chief

Absent:

Chris Hadley	Council Member
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Others Present:

Jenni Williams	Standard Examiner
Seloni Siale	Tynesha Roberts
Dedra Braunberger	Ellen Cutler
Wanema Butcher	Vivian Pickett
Kathy Gittins	Scott Stevenson
Janet Lujan	Mary Myers

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

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

Approval of Minutes: Council Member Furniss made a motion to approve the minutes of September 2, 2014 as presented. Council Member Peterson seconded the motion. The motion passed unanimously.

Public Comments: Mary Myers stated she had spoken to Council Member Snow about her neighbors who moved to another City this summer. They still have their children in the local schools and she still does her child care business in the home. They leave their dog there, but they don't live there. Mrs. Wood comes to the home each morning and leaves as soon as the last child is picked up around 3:30–4:00. She understands the area is residential and a business is not allowed. She would like something done about it because the weeds are getting tall. One day there was water running into her carport from their yard and there is no one to contact about it.

Scott Stevenson thanked Chief Eborn and his Officers for looking into the situation of crosswalk safety and being out there and patrolling. As Chief Eborn stated, the problem won't be solved by them being there when they can be. They need a solution for every time kids are going to and from school without the Officers being there. He thanked the Council for addressing the matter.

Mrs. Picket complained about the tall weeds in her neighbor's back yard.

- 1. Consider safety and/or traffic control devices or crossing guards at Sunset, Doxey and Fremont Elementary Schools:** Mayor Macfarlane explained the Council discussed this issue in a work meeting just before this meeting. They are very concerned with the safety of the children going to and from school.

Council Member Furniss said there are several reasons safety is an issue, such as inattentive drivers, kids not being educated about crosswalks and cars or items blocking the view of the kids trying to cross. Items they can take care of now are painting the faded red curbing so drivers know not to park there blocking the view, asking owners to trim their trees or bushes so the school crossing signs are unobstructed and ordering safety signs to set out in the middle of the streets during school crossing times. Crossing guards are not in this year's budget, but they will be in their thoughts when they discuss next year's budget. The Police and members of the PTA are working to educate the kids on crossing the street. They discussed which crosswalks to place the signs at and it was decided to put them out according to each school's safe access plan.

Mayor Macfarlane said their plan will not stop all issues, but it will help. One principal said he would send flyers home with the kids asking the parents to educate their children on safely using crosswalks. Mayor Macfarlane reads books to the kids, so she will try to get books that address this issue. The Fire Department will also touch on this subject when they go to the schools for fire prevention. She also asked the parents to educate their kids. She would like the whole community to work together to keep the kids safe.

Council Member Furniss made a motion to purchase the traffic control signs to place at the crosswalks according to the school child access routing plan. Council Member Peay seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow and Peay voting yes.

- 2. Consider membership in the Kiwanis Club:** Mayor Macfarlane stated the Kiwanis Club has asked for the City's support with the "Hope of America" awards and in about March she asked the Council for their support. Since then she has been attending their meetings. They are planning to do a "Coats for Kids" program. She believes it would be good to join the Kiwanis Club because it helps the kids of Sunset. The cost is \$100 to join and \$65 per quarter. Council Member Peterson asked about the Kiwanis Club flag program. Mayor Macfarlane explained it is where the member would put up an American Flag for the businesses on all the patriotic holidays. She wanted the businesses to purchase a flag for \$25 and put up their flags for each holiday. Council Member Snow questioned this as being more of a donation, but it was determined it is a membership and allowed.

Council Member Furniss made a motion to make the expenditure to join the Kiwanis Club for this year. Council Member Peay seconded the motion. The motion passed with a 3 to 1 vote. Council Members Furniss, Peterson and Peay voted yes and Council Member Snow voted no.

3. **Council Member reports and general information:** Council Member Peay stated she attended the Utah League of Cities and Towns Conference and received some good information on economic development, recreation, after school programs, etc. In the class on economic development she learned how to approach different businesses to come in and she believes they are on the right track with Zions Bank doing the development plan study. She also attended a class on lack of civility and how to do better. She is possibly looking at having kids do an essay or video contest to present during Veteran's Day. She is working with Fire Chief Lowman to select a Thursday date for the Employees picnic.

Council Member Snow wished Mrs. Myers was still here to hear that he had talked to Police Chief Eborn about it, but has not heard back from him yet. Chief Eborn believes, with the help of Recorder Hale, it is being handled. Council Member Snow noticed from the report they receive that Officer Campbell gave out about 14 ordinance violations in about three and a half hours. Also, Officer Hurst gave out a lot. He complimented them for their diligence. He also attended the Utah League of Cities and Towns Conference and a representative from the Lt. Governor's Office who is over elections told them if a campaign sign is on private property, it did not have to conform with being 150 feet away from a polling place. He also said the Council Members can talk about anything they want to talk about in a meeting; they just cannot make a decision on an item unless if it is not on the agenda. He reported from the Mosquito Abatement it has been one of the worst years in Utah for the West Nile virus. They are spraying a lot and hoping for a quick freeze soon. However, he learned mosquitoes live up to six months and can hibernate over winter. He thanked Council Member Furniss for putting together the basket for the school fund raiser. The DRC has not met. He will look into Mrs. Pickett's complaint about the weeds in her neighbor's yard. Chief Eborn advised the neighbor has been previously cited.

Council Member Peterson stated the Planning Commission will meet Thursday at 6:30 p.m. He advised any citizen who would like to become part of the Commission to fill out an application at the City Office. He thanked Public Works Director Noyes for dealing with the problems of the CDBG project. He thanked the residents who were present and the employees.

Council Member Furniss thanked everyone who donated to the PTA gift basket to be auctioned off at their carnival. He thanked Public Works Director Noyes for keeping Main Street mowed saying it has never looked better. The North Davis Sewer Plant's bio-solids stink really bad, but contain good nitrogen and phosphorous properties so it makes great fertilizer. They have a long term, cost effective agreement to take the cake bio-solids to Mr. Marriott's property in northern Utah. He reported Peggy Stevenson has agreed to become the Youth Council Advisor. She's got a great list of ideas and has the Youth Council excited. She would like to have a link on the City website for the Youth Council and she would like

their pictures hung on the wall with the Mayor and Council. There will be a Youth Council retreat in the Sunset Room on October 20th to be held by Julie Davis, who is over all Youth Councils of Northern Utah. He echoed Council Member Snow's recognition of Police Officers Campbell and Hurst for their ordinance violation citations. The challenge to cleaning up the properties is the City is dealing with property owners' rights and they need to respect them. He said he was sorry about the sewer rate increase, but there was no other option. Mayor Macfarlane hopes the Youth Council Member's parents will become involved in the community also.

Mayor Macfarlane attended a MIDA meeting. They have not appointed any members yet, but will be doing so shortly. She does not know if she will get that appointment or not because they do it by what projects are coming up with MIDA. She did ask what MIDA does for Sunset and was told since MIDA is incorporated, Sunset would not get taxes; however Sunset may be able to get some services, so the City needs to be prepared for that in the future. She has met with a water Attorney from Clyde, Snow and Stevenson along with Public Works Director Noyes to go over a contract Weber Basin Water proposed. The City used them in 2008 so she went with them again because they were familiar with Sunset. She will bring the contract before the Council when they have negotiated it. She is redoing the employee valuations to be based on performance objectives so they will have something to justify merit raises if the City has money to implement them next fiscal year. She has had the Department Heads take a smart City survey, she will input the data and the Council will then decide what direction to take.

Police Chief Eborn received an email from the Utah Division of Criminal and Juvenile Justice stating the Sunset Police Department is eligible to apply for a small equipment grant. He has written the grant to apply for three patrol laptop replacements and some personal body cameras for the patrol officers. The grant is for up to \$7,500 with no matching funds required.

Public Works Director Noyes reported on the CDBG 300 West project. The water connections have all been completed and hopefully by the end of next week the curb and gutter will be in. They have received approval from UDOT to do a small amount of landscaping around the "Welcome to Sunset" signs. Council Member Furniss asked to see some conceptual plans for the landscaping.

Treasurer/Office Manager Youngdell advised the City is currently going through the annual audit and it is going well. She reminded everyone about the economic development meeting. Zions is trying to get input from business owners and residents. Flyers have gone out and it has been put on the City's Facebook page, on the website and on the marquee.

Mayor Macfarlane said she cannot say enough about the City's employees. They really take good care of the City. She appreciates the Council and feels they are unified. She also thanked the citizens and press for attending the meetings.

Sunset City Corporation
City Council Minutes
September 16, 2014
Page 10 of 10

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

The meeting adjourned at 7:50 p.m.

Approved – October 21, 2014

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder