

**Sunset City Corporation**  
**City Council Minutes**  
**October 7, 2014**  
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Minutes of a regular meeting held October 7, 2014 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
Chris Hadley	Council Member
Trystal Peay	Council Member
Jake Peterson	Council Member
Kevin Snow	Council Member

**City Employees Present:**

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Norm Noyes	Public Works Director
Brett Jamison	Police Sgt.

**Excused:**

Breen Lowman	Fire Chief
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**Others Present:**

Carl Jensen	Sierra R.V.
Jared Jensen	Sierra R.V.
Scott Stevenson	Sunset Planning Chair
Peggy Stevenson	Sunset Youth Council Advisor
Youth Council Members: Mayor Sydney Furniss, Samantha Park, Hanna Griffith, Malinda Griffith	
Terry Avondet	Sunset Citizen Corps
Ellen Cutler	Shirley Griffiths
Janet Lujan	Wanema Butcher
Adam Scott	Pam Furniss

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

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

**Approval of Minutes:** Council Member Furniss made a motion to table the minutes of September 16, 2014 and September 25, 2014 as they were not yet drafted. Council Member Snow seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

**Approval of Vouchers:** Council Member Furniss made a motion to approve the vouchers for Zions Bank and Braker Construction totaling \$67,414.46. Council Member Hadley seconded the motion. The motion passed unanimously with a roll call vote asked for by Council Member

Furniss. Council Member Furniss – yes, Council Member Peterson – yes, Council Member Snow – yes, Council Member Hadley – yes, Council Member Peay – yes.

**Public Comments:** Pam Furniss commented on agenda item #1. She said the City does not have the green space to replace the soccer fields that would be lost at South Park. Soccer aside, she is at that park 20 weeks out of the year for 4 or 5 hours a night. Not only is soccer there, but several of the City's older citizens walk the track there. The park is well used. Also, if the City loses Central Park with the 1800 North expansion, she asked where Fun Days would be held. Churches and other organizations use the park. The City needs South Park.

Sydney Furniss, Sunset City Youth Mayor, updated the Council on what the Youth Council is doing. On October 25th from 9:00 a.m. to 11:00 a.m., they will be holding a "Rake Up Sunset" activity where they are hoping to rake up the leaves for elderly and disabled residents of Sunset. They would like the Council, employees and other to be involved and possibly make teams to rake up the yards of those who can't. The Youth Council membership is growing. She read their mission statement. They are tracking down addresses of homes for the "Rake Up Sunset" and will give those addresses to the teams. They may need some supplies from Public Works and Council Member Furniss said he would haul the leaves to the City shop dumpster.

1. **Discuss the request from Sierra R.V. to obtain the property at South Park:** Carl Jensen handed out a copy of their proposal to the Council. He said they understand about the park, but they have come to a point where they are gridlocked. They don't have enough bays in their service department to handle the workload causing the appointments to be four to six weeks out during the summer. They want to add an additional 200 ft. x 100 ft. to their building that would be strictly for service. They could then hire ten to twenty employees who would be buying gas, food and other things in Sunset as well. They have large freight delays in product due to space available. For instance Shasta has come out with a new retro looking unit and are only making 1,941 of them, so they had to put in their order of 100 units now. They should be starting to arrive in the next week or so with the full order in by the end of December and they have no place to put them. Mayor Macfarlane asked where they are going to put them when they don't have the space. Mr. Jensen replied if they don't get the park, he will seriously look at moving his business. They also have a problem with damage to their stock with housing their units as close as they have to now. It has probably cost them about \$50,000 for repairs so far. The sizes of the units becoming popular have increased with the toy haulers and slide outs so the space for two trailers now only accommodates one trailer. The short term advantages for Sunset City are to keep a stable business in the City that employs 50 to 60 people, immediate cash flow in additional sales tax revenue, they would cover the canal at a cost of at least \$600 per linear foot and a parcel of property currently generating no property tax would then generate property tax. A while back he had talked to Mayor Macfarlane about paying \$100,000 per acre for the property, but that may be higher or lower depending on an appraisal. He has talked to someone with the school and he feels they may be able to purchase some of their property as well. When asked if they have looked into alternatives to getting that land, Mr. Jensen stated when they house units off site there is a problem with getting employees and customers to and from the area and it increases the chances of damage to their units. He has enjoyed being in Sunset and it has worked well.

He believes if they can expand, they will be bringing in \$15 million more in sales within a couple of years.

Council Member Furniss asked why he rents out a portion of his property for RV storage if they are in need of more space to house inventory. Mr. Jensen explained those trailers come and go and they use the area for stock at times. The service building they are in need of will take 80 product spots and that is a lot more than what is in the area they use part time and rent out part time. Council Member Furniss said the process for selling the park property would be a long one because the City would need to have it appraised, rezone it to commercial and hold public hearings on zoning and on the sale of the land. Mr. Jensen said he understands he has to follow the steps, but if the City Council sees the sale as a benefit for the City, it will usually be approved. If the Council Members say they don't want to do it, he will have to begin looking elsewhere. Mayor Macfarlane asked if there was any way he could put the service section of his business at a separate location from the sales lot. Mr. Jensen said when he first came to Sunset, he had the sales lot here and his service center in Ogden. That was a total nightmare with trying to have parts delivered and moving a sold unit to the service center to be serviced, then moving it back to the sales lot for pick up by the customer. He believes it would not work even if the service location were to be located as close as the Winegar property if it was available.

Council Member Snow asked if they had thought about covering the canal and using that portion, to which Mr. Jensen replied it would not be feasible due to the cost vs. the amount of land to be gained. Council Member Snow asked if they would need the whole park or some of it. Mr. Jensen said he was open to compromise to see what would work for both he and the City. If he could also obtain the American Stone property and cover the canal, he would like to separate his motor homes at one end and trailers at the other end. When they tried to purchase the Hi Hat building, the owner wanted \$2 million for it and that was just too much. It would be cost prohibitive to try and purchase the property and demolish the row of houses along 125 West to use. Council Member Snow asked how they came up with the \$100,000 per acre number. Mr. Jensen said he contacted three real estate agents and that is the average amount he received from them.

Council Member Peterson asked about Mr. Jensen's long term plans. Mr. Jensen responded that the park property would be sufficient for 10 to 15 years depending on the trends. Also, a new school could be built somewhere and this school closed, which would open up more possibilities. They just don't know what may happen. He has had offers to sell the business, but he prefers to keep it, have his son take it over and stay in Sunset.

Mayor Macfarlane said they appreciated Sierra R.V. and all they have done for the City and Schools in Sunset. Other cities have even noticed how nice Sierra R.V. looks. She appreciates his proposal and said the Council would take what he has proposed under advisement. Mr. Jensen said he would be happy to show the Council Members around to see what they do so they might understand their needs a little better.

- 2. Consider approval of a plan to xeriscape Main Street:** Mayor Macfarlane stated she would like this item tabled until they go into budget sessions next year.

Council Member Furniss made a motion to table this item. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

- 3. Consider approval of a putting out an RFP for a new engineering firm:** Council Member Furniss wanted this item on the agenda due to the fiasco of the 300 West CDBG project. Since then he has met with Public Works Director Noyes and Engineer Scott Nelson. He believes there was a break down in communication because Mr. Nelson did not know what the Council expected. He believes things have been corrected and Mr. Nelson will keep the Council Members in the loop better.

Council Member Furniss made a motion to table this item until a later date. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

- 4. Consider approval of Ordinance 2014-10 adding paragraph E. Procedure for Interaction with Employees of the Sunset City Code:** Council Member Furniss believes the Council Members were elected to resolve issues and speak with Department Heads when the need arises. He has worked with three Mayors so far and there is a balance of duties and sometimes there is a conflict when an employee or Department Head speaks with Council Members. He found Salt Lake City has adopted a full transparency ordinance that he liked. The City Ordinance states the Council Members and Department Heads have the right to speak with each other. The Mayor is trying to oversee everything and sometimes the Council Members talk with the Department Heads without keeping the Mayor in the loop, so a Mayor may say for the Council Members and Department Heads to only go through the Mayor. That may be the easiest way to go, but it is not fair to the Council Members and employees. With the help of Recorder Hale, he drafted an ordinance that would protect the relationship between the employees, Department Heads and Council Members. He read Option A of the ordinance, "Procedure for interaction with employees: Any Elected Official, whether Mayor or a member of the City Council, may ask questions of and receive information from any city employee or department head." Recorder Hale explained there was an option B and read and explained it. Mayor Macfarlane would like volunteers added to the ordinance as well. Also, she would like option B to be shall because that would hold the Council Member or Mayor over that department accountable. Council Member Furniss likes option A better because it keeps it simple and protects the right of the legislative body to speak with whoever they want when they want.

Council Member Furniss made a motion to adopt Ordinance 2014-10 Option A. Council Member Snow seconded the motion. The motion passed 4 to 1 with a roll call vote. Council Member Peay – yes, Council Member Hadley – yes, Council Member Snow – yes, Council Member Peterson – no, Council Member Furniss – yes.

5. **Consider approval of Resolution 2014-11 amending the Sunset City Personnel Policies and Procedures to further establish open and honest transparency:** Council Member Furniss said the proposed policy puts teeth into the fact the Mayor should never tell any Department Head not to speak to a Council Member or a Council Member from speaking to an employee. That cannot occur in the City's form of government. He read the addition he was proposing, "It shall be a violation of city policy for any Mayor to prohibit any Sunset Department Head, Employee, Volunteer or Citizen from speaking with any member of City Council and for any Department Head (Public Works Director, Fire Chief, Office Manager, Police Chief) to prohibit any employee or volunteer of Sunset City from speaking with the City Council and or Mayor." Mayor Macfarlane explained she and Council Member Furniss talked about this and she said it is too bad there has to be an ordinance or policy on every issue because there are things done that are in the learning process and this is one of them. She admitted she did direct a Department Head incorrectly, it wasn't right and she talked to Council Member Furniss about it. If putting this in policy makes them feel more trusting and that there is more transparency, she is okay with it. When reviewed by the City Attorney, he suggested the addition of "Exception: once a grievance is filed under Section 4(II).5.1 the grievant shall follow the grievance procedure and not contact anyone outside the grievance process."

Council Member Furniss made a motion to approve Resolution 2014-11 adding 'volunteers' after 'employee' to the preamble. Council Member Peay seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Hadley – yes, Council Member Snow – yes, Council Member Peterson – yes, Council Member Furniss – yes.

6. **Consider approval of Ordinance 2014-11 amending Section 1-6-3: Meeting Procedures and Conduct in the Sunset City Code:** Council Member Snow explained they have had eight work meetings so far this year. The problem is a lot of the work meetings started at 5:30 p.m. and it is very difficult for some of the Council Members to get here that early. He feels some of the items could have just been discussed during the regular sessions when the public is here. It would also seem more transparent if the deliberations were conducted in the regular session. The last work session was held at 5:30 p.m. even though some of the Council Members had said they couldn't make it at 5:30 p.m. Also, a couple times there were no items or only one item on the regular agenda, so they could have held the work session after the regular session and it wouldn't have been as hard on some of the Council Members. He believes the Mayor should make sure a majority of the Council Members are able to attend before putting it before the regular agenda.

Mayor Macfarlane gave her perspective on work sessions. She believes they can talk about the issues longer in a work session and she is thinking forward. They will have a lot of decisions to make about the 1800 North project, Economic Development and other items. She takes exception to changing the existing ordinance. She will take into consideration their schedules, but there are things she may need more information on and would like to just call a work session.

Council Member Furniss referred to three emails from Council Members who said they could not be to the last 5:30 p.m. work meeting and she put it on the agenda to hold it anyway. He missed an important event in one of his kids' lives to be there and it turned out to be something that could have been discussed during the regular session. That is why they believe it needs to be in ordinance, so this doesn't happen. Mayor Macfarlane said she told Council Member Snow she heard what they were saying and agreed to hold the work meetings later. She was also taking into consideration those who have families and didn't want to be here until 11:00 p.m. She believes she needs the discretion and their support to call work meetings as she deems necessary. She in turn will try to make the time easier for them to attend.

Council Member Peay stated her confusion that it seems the proposal is to add 'the consent of the majority of the Council' to hold a work meeting, but they are arguing about the content of the work meetings, which is not in the proposal. Council Member Snow clarified the ordinance is only to add the consent of the majority of the Council to schedule a work meeting.

Council Member Peterson questioned if they still need consent if the work meeting is scheduled after the regular session, since everyone will already be here. That may cause delays or extra work for budget sessions. He said in the ordinance it only takes one Council Member to put an item on the agenda, so this is kind of weird. However, there is no way they can have a work meeting if there is not at least three Council Members present, so it is good to make sure there will be at least three Council Members present. That way it does not waste the time of everyone if three cannot make it.

Council Member Snow made a motion to approve Ordinance 2014-11 as presented. After some more discussion, Council Member Furniss seconded the motion. The motion passed 4 to 1 with a roll call vote. Council Member Peay – yes, Council Member Hadley – yes, Council Member Snow – yes, Council Member Peterson – no, Council Member Furniss – yes.

- 7. Council Member reports and general information:** Council Member Hadley (over Citizen Corps, Emergency Preparedness & Fire Dept.) said there has been discussion over the last few months about restructuring the Fire Department shifts. At this time this proposal is being placed on hold. He is doing the best he can to maintain and protect the foundation of the Fire Department and make it stronger by working on some other issues first. He appreciates Fire Chief Lowman's efforts to better the Fire Department. Citizen Corps is looking for someone to help with their website. They are also trying to get more citizen involvement in Emergency Preparedness.

Council Member Peterson (Planning Commission Liaison and over Public Works) reported he was unable to attend the last Planning Commission meeting so he will report more at the next Council meeting. He left reporting on Public Works to Public Works Director Noyes. He thanked everyone for being present at this meeting.

Council Member Furniss (North Davis Sewer District Board Member, over the Youth City Council, Property Management and Transportation) reminded the Council about the sewer plant tour on October 14<sup>th</sup> at 5:30 p.m. They could meet at the City Building and drive together. He is grateful to Peggy Stevenson for accepting the roll of Youth Council Advisor. She asked him to ask the Council if they would tell their neighbors about the “Leaf Raking Day” the Youth Council has planned so they can get more people involved. He read a thank you letter from the Doxey Elementary PTA thanking the City for donating a movie basket for their school carnival fund raiser. There has been a lot of scuttlebutt about why the Council was not present at the Fire Department training where they were told the restructure would not be happening. He said he did not attend because that meeting was not publicly noticed and they cannot meet at that kind of meeting without public notice. In regards to selling South Park, he is not in favor of it. Neighboring cities are looking for land for parks and it would be a mistake to sell off their green space because they would never be able to get it back. He is not in favor of rezoning it, getting an appraisal and selling. This is a Council decision so he would appreciate the Council Members contacting him one on one to tell him of their feelings. Mayor Macfarlane said she agreed with Council Member Furniss on not selling the park.

Council Member Peay (over Economic Development, Recreation & Senior Program) said she sent out flyers to the elementary schools for a Veterans Day essay and/or poster contest entitled “I Want to Say Thank You to a Veteran Because”. Paper flyers are not allowed any longer, so she sent it out via their required “Peach Jar” electronic flyer program. The essays and posters will be displayed in the Sunset Room for the Veterans Day program and in the City Building through the end of November. She will talk to some people about donating prizes for the contest. Mayor Macfarlane stated she has met with a branch of the military and the group is willing to attend these types of events. She has their phone number if Council Member Peay wants to invite them. Council Member Peay said the fall employees dinner will be on October 23<sup>rd</sup> from 6:00 p.m. to 8:00 p.m. at the Central Park Bowery.

Council Member Snow (over Beautification, Better Landlord Program, Donations, Housing & on the Development Review Committee for MIDA and the Mosquito Abatement Board) asked Public Works Director Noyes if he has heard from Rocky Mountain Power on the LED lighting. Director Noyes said the last he heard it would be in the November time frame so he plans to follow up with them soon. He attended the Mosquito Abatement Conference. They talked about closed sessions and mentioned some entities put a catch all phrase about a possible closed session on every Council Meeting agenda so they can go in to one at any meeting, if necessary. He also learned the Council and Planning Commissioners need to have the Open and Public Meeting Act training every year. He mentioned the Council would like all the weedy or junky yards to be cleaned up, but every time it is brought up they are unable to do it due to money constraints or fear of stepping on people’s rights. He would like some direction from the Council on setting aside some funds to clean up the yards and billing the owner or for some other solution. He is more concerned with the vacant homes. Police Chief Eborn believes the City could put a line item in the budget for mowing down the weeds at the vacant homes. Council Member Snow said there have been no meetings with the DRC and there is nothing new with donations and the Better Landlord Program. He asked Chief

Eborn to provide him with a list of the Better Landlord Members and which ones have been cited so as he is driving around and sees a junky yard he will know. He thanked the Police Department for their enforcement of the weed and junk ordinance because he has seen a lot of yards where the weeds have been mowed or at least have weed killer on them. Mayor Macfarlane asked about donations to HAFB groups besides the Military Affairs Committee for the Air Show and it was said they will be discuss it during the budget session. Council Member Snow said the Beautification Committee may be meeting in November to discuss items and decide their direction.

Council Member Furniss asked if the agenda item labeled "Council reports and general information" could be changed to "Council reports" and "Department reports". It was decided that would be good.

Public Works Director Noyes reported 185 yards of concrete was poured in the 300 West CDBG Project today. The concrete company used is very impressive. The waterways and other items will be poured tomorrow. They are hoping to get the asphalt laid before any storms come up and then get the sidewalks poured, which should take three or four days.

Treasurer/Office Manager Youngdell reminded everyone that Monday is Columbus Day and the Offices will be closed. A developer will be going before the Planning Commission next Thursday.

Police Chief Eborn reported Officer Bateman's wife had a baby girl today and all is well. The Department was selected to receive a small reimbursement grant so he has ordered eight officer body cameras and three replacement laptops. When asked about a policy for the body cams, Chief Eborn replied they will draft a policy stating when the cameras should be turned off, what they should be used for, what they shouldn't be used for, etc. When told about a few complaints about the lack of police presence between 8:00-9:00 a.m. at the Sunset Elementary crosswalk, Chief Eborn said it has been their policy that from 7:30 a.m. to just before 9:00 a.m. that every available Officer is cruising the schools. Mayor Macfarlane said a community partner has said he or she might pay for a crossing guard at Sunset Elementary School, so she has been gather information on the cost of the City's current crossing guard at 1800 North. She has also monitored pedestrian crossings at Sunset Elementary. Yesterday morning there were 7 kids who used the crosswalk and in the afternoon there were 89. Of those 89 crossings, there were 15 who went back and forth like maybe they had forgotten something. She was there for 24 minutes in the morning until the traffic was done and for 22 minutes in the afternoon until the traffic was done. She told the Council this so when they discussed this during the budget sessions they would know how long they would need to hire a crossing guard for and to know how much money it would be. Chief Eborn made if clear Sunset would need to hire the crossing guard and commit to continue the program when the community partner quit paying for it. They discussed the placement of the crossing safety signs purchased by the City and other crosswalk issues. Chief Eborn said the medications taken in on the Prescription Take Back day was down some; they only took in almost 100 lbs. this time, but it was also a rainy day.

Mayor Macfarlane read a letter received in July from the Utah Local Governments Trust regarding the \$1,765.55 payment for completion of their Trust Accountability Program. She said Council Members Hadley and Furniss suggested to her that the Council receive a monthly report from the Fire Department like they do from the Police Department. All employees except 16 have taken the sexual harassment training, so they are pushing for those last few to take it. Due to several questions about the scope of work, she has asked Treasurer/Office Manager Youngdell to schedule a joint Council/Planning Commission meeting with the planners from Zions Bank who are doing Sunset's commercial blight/economical development plan. At the next Council meeting, UDOT will be giving the Council an update on the 1800 North project and there will be a public open house on it November 19, 2014. She is looking into annexation with MIDA and will report more when she gets information on it. There was a Hero's Day at Fremont Elementary that was attended by Sunset's Fire and Police Departments and military personnel. She would like the Sunset employees to think of themselves as heroes and representatives of Sunset City, act accordingly and support each other. She really likes the proactive attitudes of the Council, even when she questions some of them. She reminded the Council there is an ordinance that requires them to speak with the Mayor before seeking the City's legal counsel. That is in the ordinance so if someone has already received the opinion from the City Attorney it can be shared with them and the City won't be billed for another person asking the same thing. After some discussion as to what Council Member Furniss thought it read, she asked Recorder Hale to find the ordinance.

Council Member Furniss made a motion to take a five minute recess. Council Member Peterson seconded the motion. The motion passed unanimously with Council Members Furniss, Peterson, Snow, Hadley and Peay voting yes.

Mayor Macfarlane addressed the legal counsel question. Council Member Furniss read Ordinance Section 1-7C-2.B, "The City Attorney shall advise any City Council Member on such legal questions as may arise in relation to the business of the City when the Council Member has first consulted with the Mayor, or Mayor Pro Tem in the absence of the Mayor, unless the legal question is regarding the competency of the Mayor". He didn't remember it that way and conceded Mayor Macfarlane was correct. There was a little more discussion and the recording of that meeting will be listened to.

**CLOSED SESSION in accordance with Utah State Code 52-4-205(1)(d) to discuss the purchase, exchange or lease of real property, including any form of water right or water shares.**

Council Member Peterson made a motion to go into a closed session in accordance with Utah State Code 52-4-205(1)(d) to discuss the purchase, exchange or lease of real property, including any form of water right or water shares. Council Member Furniss seconded the motion. The motion passed unanimously with a roll call vote. Council Member Peay – yes, Council Member Hadley – yes, Council Member Snow – yes, Council Member Peterson – yes, Council Member Furniss – yes.

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Present – Mayor Macfarlane, Council Member Furniss, Council Member Peterson, Council Member Snow, Council Member Hadley, Council Member Peay, Recorder Hale, Public Works Director Noyes.

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

**REGULAR SESSION**

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

The meeting adjourned at 11:00 p.m.

Approved – November 18, 2014

/s/Beverly K. Macfarlane, Mayor

/s/Susan R. Hale, Recorder