



Sunset City Corporation

200 West 1300 North • Sunset City, Utah 84015 • 801-825-1628

CITY COUNCIL AGENDA REGULAR MEETING

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at 6:30 p.m. on Tuesday, September 19, 2023 at the Sunset City Office Building, 200 West 1300 North, Sunset, Utah. Any information or items for the Council's consideration must be furnished at least ten (10) working days prior to the scheduled meeting to give the needed time to study the request. Agenda shall be as follows:

REGULAR SESSION

- A. CALL TO ORDER & WELCOME**
- B. INVOCATION AND PLEDGE OF ALLEGIANCE** by Council Member Rigley
- C. APPROVAL OF MINUTES** – August 15, 2023 and September 5, 2023
- D. APPROVAL OF VOUCHERS** – Security Bank in the amount of \$119,995.00 for the lease payment for 4 Police Durango's
- E. PUBLIC COMMENTS**

AGENDA ITEMS

- 1. Utah Leagues of Cities and Towns Representatives Q & A**
- 2. Consider and Approve Civil Attorney Service Fees**
- 3. Mayor, Council and Department Head Reports**
- 4. Adjourn Regular Session and move into the Work Session**

WORK SESSION

- 1. Discuss Scorekeepers Nest**
- 2. Discuss Maintenance Worker Certifications**
- 3. Discuss Vacation Cash Out Personnel Policies and Procedures**
- 4. Discuss Donations for Veterans Park Plaques**
- 5. Motion to Adjourn**

Possible closed session for reasons allowed by Utah State Code 52-4-205.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Sunset City Offices, (801) 825-1628, at least three (3) working days prior to this meeting. Anchor location for electronic meetings by telephone device is 200 W 1300 N, Sunset UT 84015. With the adoption of Ordinance 1-6-3, the Council may participate per Electronic Meeting Rules. Please make arrangements in advance. Posted and e-mailed to local newspaper – September 15, 2023

Nicole Supp, Recorder

SUNSET CITY CORPORATION

VOUCHER APPROVAL FOR INVOICES OVER \$15,000.00

Date: September 5, 2023 – September 19, 2023

DATE	VENDOR	DESCRIPTION	DEPARTMENT	AMOUNT
09/12/23	Security Bank	4 new patrol vehicles	Police	\$119,995.00
			Total	<u>\$119,995.00</u>

Mayor

Council Members

City Recorder

City Treasurer

Date

First Government Lease Co.
One-Page Lease To Own Financing

PO Box 8331
Northfield, IL 60093

Telephone (866) 793-9670
Telefax (847) 441-5012

PAYMENT COUPON BOOK

September 8, 2023

City of Sunset City
200 West 1300 North
Sunset, Utah 84015

RE: FOUR 2023 DODGE DURANGOS

Attn: Police Chief Brett Jamison

Dear Chief Jamison,

Please see attached PAYMENT COUPON BOOK for your Lease Purchase Agreement dated 08/01/2023. You will be making payments to our bank, **SECURITY BANK MINNESOTA**. The contact at the bank is Mr. Paul Troe. He can be contacted at 507-373-1481.

Enclosed are payment coupons for all **2 annual payments** to Security Bank Minnesota. The first (#1) annual payment is due **10/01/2023**.

Please acknowledge receipt of these coupons by returning a signed copy of this letter to us in the enclosed self-addressed stamped envelope and indicate the person to be contacted regarding payments.

We appreciate your business, please let us know if there is anything else we can do for you.

First Government Lease Co.
Paul A. Graver
President

Received by:

Payment Contact: _____ Date: _____

N. GEORGE DAINES, PC
JONATHAN E. JENKINS, PC
MICAH L. DAINES, PC
DUSTIN D. ERICSON, PC
DALTON J. SMUIN



Attorneys at Law

108 North Main Street
Logan, Utah 84321

Telephone: (435) 753-4000
Facsimile: (435) 753-4002

W. SCOTT BARRETT, 1925-2009

June 29, 2023

Via Electronic Mail and First Class U.S. Mail

Mayor D. Howard Madsen
hmadsen@sunset-ut.com
200 West 1300 North
Sunset City, Utah 84015

RE: City Civil Attorney Services

Dear Mayor Madsen,

It has been, and continues to be, a great privilege to represent the City of Sunset as its civil legal representation. Over the course of the past four years, I have appreciated every interaction I have with the elected officials and city staff at Sunset.

Based in large part on the incredible efforts of the city staff and elected officials, over the course of my tenure as the City's attorney, there has been a significant increase in commerce and development occurring in Sunset City. With these increases, there has been a corresponding increase in the amount of legal civil service (document drafting, document review, email correspondence, teleconferencing, meeting attendance and research) associated with my civil representation of the City.

At present, my firm invoices Sunset City a flat rate of \$300 per month for civil attorney services. For context, our firm bills private clients \$200-\$300 per hour for civil legal services. In the months of April, May, and so far in June of 2023, I have provided, on average, 18 hours of civil legal service per month to Sunset City. As the invoice to the City has traditionally been a flat rate, prior to April of 2023, I did not keep an exact timeclock associated with civil legal service performed on Sunset's behalf, but I am confident that between April of 2022 and April of 2023, the average monthly time spent on civil legal service to Sunset City exceeds 10 hours.

I do not wish to sound as though I am complaining or ungrateful for my time representing Sunset City. To the contrary, my contract and employment with Sunset City has been incredibly gratifying for me professionally, and I hope to continue in my capacity as the Sunset City Attorney for many years to come. However, based on the increase in the need for civil legal service to the City, I am respectfully requesting an increase in the amount my firm bills Sunset City.

If the City is inclined to accept this respectful request, I propose one of two alternatives to the current method of billing Sunset City for its civil legal services. First, would be to continue on a flat rate monthly bill, with the monthly amount being increased to \$1,000 per month, or alternatively, if the City would prefer, I could simply track my hours each month and invoice the City at the discounted rate of \$125/hour for the time spent representing the City for its civil legal services. If you would like to discuss any of this, I am more than happy to do so.

Again, I wish to emphasize how much I appreciate the elected officials and city staff at Sunset. Both professionally and personally, my association with Sunset City has been remarkably wonderful, and I hope to continue the relationship for the entirety of my legal career.

Sincerely,



Dustin D. Ericson
Daines & Jenkins, LLP



Nicole Supp <nsupp@sunset-ut.com>

Fee Schedule

2 messages

Dustin Ericson <DEricson@dainesjenkins.com>
To: Nicole Supp <nsupp@sunset-ut.com>

Fri, Jul 28, 2023 at 12:47 PM

Nicole,

In an effort to assist the council in determining attorney fees that can legally be charged to the end user, the following are estimates of costs associated with providing different types of legal reviews and/or document drafting:

Review of Development Agreement = \$200

Drafting of Development Agreement = \$400

Review of Variance Application with drafting of opinion = \$600

Review of Request for Zoning Change = \$150

Obviously, these prices are not an exact amount, as the cost is associated with the estimated amount of time spent reviewing or drafting the document(s). Also, if there are additional documents the council would like for me to produce estimates on, I would be happy to do so. However, these four listed above, seem to be four of the most common.

Thanks,

Dustin D. Ericson

Daines & Jenkins, LLP

108 North Main Street

Logan, Utah 84321

(435) 753-4000

(435) 753-4002 (Facsimile)

\$300? pay for anything?



Nicole Supp <nsupp@sunset-ut.com>

Council notes

Dustin Ericson <DEricson@dainesjenkins.com>
To: Nicole Supp <nsupp@sunset-ut.com>

Wed, Aug 2, 2023 at 8:43 AM

Nicole,

If the council chose to do the \$125/hour, that would be the amount billed for every hour worked on Sunset City Civil matters, so there would be no additional charges and the \$300/month would not be charged. It would simply be \$125/hour for time spent working on Sunset projects.

The fees I sent you, were not what I would bill the city. How I understood Councilman Bangetor's request for me to put the fee schedule together, it was merely to provide the City with an amount that could be charged to end users (i.e., developers or general contractors) to offset the attorneys fees the city incurs for those types of projects. Thus, if the council chooses to use the \$125/hour rate, there would not be any additional fees for development agreements, variance applications, etc.

Hopefully, that answers your/the council's questions on the fees. If not, I am happy to try to better explain if needed.

I will send the new signature page.

As to Jason's thought on moratorium deadlines, while I have not heard of this being done, I do not see any reason why it legally could not be done, and I think it would be a good thing to implement.

Thanks,

Dustin D. Ericson

Daines & Jenkins, LLP

The red highlighted is the verbage I would like to see removed. This is only in job description brief, not in personnel policy's.

I believe we hold back our employees from being assertive and wanting to advance in their position with the time restraints. Also we run a very high risk of losing them to other entities now more so than ever before. If an employee pushes to advance by obtaining the required certifications then has to wait possibly 3 years. They could immediately go to another city and be hired at the higher maintenance level despite years of certification.

Maintenance Worker Certifications

The Maintenance worker position is listed on the Hourly Pay Plan at 4 different levels-Maintenance Worker 1-4. A worker may advance from one level to another by obtaining certifications. The certifications available to a Maintenance worker 1 to advance to a level 2 and 3 are Water Dist Operator grade IV, Wastewater Operator III ~~including a 12 month time period between advancing from Maintenance 2 to Maintenance 3~~. The reason that they are specified is because certain certifications are more valuable. In order to advance from a level 3 to a level 4 the worker may choose two (2) from any of the remaining certifications since all are valuable to the department as a whole ~~and including a 24 month time period between Maintenance 3 to a Maintenance 4~~. Employee must be in good standing (no write ups within 12 months), must not be on probation, must have an evaluation performed by the Department Head, in order to move to a different Maintenance level. If the employee lets their certification or certifications lapse and they are not renewed their pay will revert immediately to the classification they qualify for.

Current

SUNSET CITY CORPORATION POSITION DESCRIPTION BRIEF

DEPARTMENT: Public Works
CLASSIFICATION: Full Time
Starting Salary Range:
Maintenance I: Grade 16 - \$17.18
Maintenance II: Grade 18 - \$18.70
Maintenance III: Grade 19 - \$19.51
Maintenance IV: Grade 21 - \$21.26

GENERAL DESCRIPTION

A Public Works Maintenance employee is responsible for performing a variety of unskilled or skilled maintenance work in the construction, operation, repair and maintenance of City facilities. Employees in this position class are not normally assigned to work in a specific division of the department and will be assigned to work in any area of the department as needed. The Public Works Department is responsible for the maintenance of parks and trails, city streets, sewer/storm drain, water system, buildings and facilities and in other related areas. The position may require the operation of city-owned vehicles, such as pick-up trucks, backhoes, mowers, street sweeper, dump trucks, salt spreaders, snow plows, etc. as required. The operation of power tools and equipment such as chain saws, air compressor, etc. when required is also necessary. The candidate will be required to inspect and repair equipment as required by the department procedures.

SUPERVISION RECEIVED

Works under the guidance and direction of Public Works Director and Operations Manager.

ESSENTIAL FUNCTIONS/JOB DUTIES

- Ability to work in all types of weather for a prolonged period of time
- Ability to understand and effectively carry out written and oral instruction and to complete and maintain accurate written reports
- Ability to establish and maintain effective working relationships with the general public and other employees
- Ability to analyze problems and identify alternative solutions
- Ability to communicate clearly and concisely, both orally and in writing
- Ability to make decisions and interpret duties or daily operations with a functional area
- Ability to lift heavy objects that generally require assistance
- Ability to lift, stand, bend, walk, crawl or climb

MINIMUM QUALIFICATIONS

Education and Experience:

- Graduation from high school, or equivalent GED
- Must possess a current drivers license
- Must possess a Commercial Driver License Class A or B within 6 months
- Must be able to pass a drug and alcohol test
- Must pass a background check

WORK ENVIRONMENT AND PHYSICAL REQUIREMENTS:

- Regularly work in hazardous or potentially hazardous conditions with heavy equipment that is sensitive to over-handling
- Regularly works in temperature extremes including hot and cold temperatures and may be exposed to rain and snow
- May be required to work overtime, long hours or overnight shifts, particularly for snow removal or water and sewer system repairs

MAINTENANCE WORKER CERTIFICATIONS:

The Maintenance worker position is listed on the Hourly Pay Plan at 4 different levels- Maintenance Worker 1-4. A worker may advance from one level to another by obtaining certifications. The certifications available to a Maintenance worker 1 to advance to a level 2 and 3 are Water Dist Operator grade IV, Wastewater Operator III including a 12 month time period between advancing from Maintenance 2 to Maintenance 3.. The reason that they are specified is because certain certifications are more valuable. In order to advance from a level 3 to a level 4 the worker may choose two (2) from any of the remaining certifications since all are valuable to the department as a whole and including a 24 month time period between Maintenance 3 to a Maintenance 4. Employee must be in good standing (no write ups within 12 months), must not be on probation, must have an evaluation performed by the Department Head, in order to move to a different Maintenance level. If the employee lets their certification or certifications lapse and they are not renewed their pay will revert immediately to the classification they qualify for.

All of the following certifications require a lot of training and passing a difficult test, not all are equal in difficulty (but close).

CERTIFICATIONS:

*Water Distribution Operator Grade IV *Wastewater Operator Level 2 or higher

Registered Stormwater Inspector/Plan Reviewer
Automobile Safety Inspector
Playground Inspector
Road Scholar
Certified Arborist

CERTIFICATION DESCRIPTION AND REQUIRING AGENCY:

Water Distribution Operator Grade IV

Requiring agency: Utah Division of Drinking Water

- This level is for persons running a system serving over 20,000 population or large treatment plants or plants with complex operational processes.* This level corresponds to the highest level currently available under the Utah program. It identifies that the person has demonstrated knowledge of the most complex portions of water system operation. The Grade IV operator routinely supervises work crews or groups of work crews. Budget preparation is frequently a duty. It is assumed that a person certified at this level has enough experience and education to operate any other water system serving more than 20,000 people, in compliance with the Utah Public Drinking Water Rules and laws of the state of Utah.

Wastewater Operator Level 2 or higher

Requiring agency: Utah Division of Water Quality

In March 1991 certification of wastewater works operators became mandatory. To obtain regular certification, an operator must:

Comply with the education and experience requirements for the certification level for which the application is being made,

File a properly completed application for the certification examination with the Wastewater Operator Certification Program by the application deadline,

Be a person legally residing in the United States,

Pay the exam fee, and

Achieve a passing score on the certification examination (70% or higher).

Registered Stormwater Inspector/SWPPP Reviewer Requiring agency: Not required but encouraged by the Utah DEQ

RSI and RSR Dual Certification

Registered Stormwater Inspector Program (RSI)

The Registered Stormwater Inspector Program has been developed by The State of Utah, in cooperation with the Utah Stormwater Advisory Committee. Its purpose is to ensure that

training is given to all those who are inspecting construction sites for compliance with NPDES regulations. The law requires you to designate a stormwater inspector with training and qualifications.

Registered SWPPP Reviewer (RSR)

The purpose of the RSR program is to establish a professional standard and uniform quality of Stormwater SWPPPs and plan reviews in the state of Utah, thereby aiding UPDES and local agency permit compliance. RSR requirements are recognized by USWAC and UDEQ-DWQ.

Automobile Safety Inspector

Requiring agency: Utah Highway Patrol

Requirements

The Utah Highway Patrol (UHP) is the state agency that administers and enforces the vehicle safety inspection program, UHP requires that inspectors for vehicle safety:

Take 16-hours of approved training (classes listed below)

Pay a non-refundable \$10.00 application processing fee to UHP

Be at least 18 years of age

APPLICATION PROCESS:

Applicants must mail or deliver an employment application to:

Sunset City Corporation

200 W. 1300 N.

Sunset, UT 84015

An application may be obtained at: www.sunset-ut.com

Current Policies & Procedures

- C Total accrued vacation time will not exceed 480 hours per any calendar year. Employees are encouraged to use their vacation prior to the end of any calendar year when their accrued hours is greater than 480 as any vacation time not used will be forfeited by the first of the following calendar year. (for example: use or lose)
- D Vacations must be scheduled, with the supervisor's approval, at least two weeks in advance and the Leave of Absence Form is to be filed.
- E. Employees may ask to cash out accrued vacation hours up to 50% or up to 100 hours of the employees' total accumulated hours, whichever is less, based on the scale below. Such request may only be applied for once every fiscal year and only if this policy has been funded in the budget for that fiscal year. Employees must request this in writing to their Department Head. Department Heads will determine requestor's eligibility. Only employees in good standing will be eligible, i.e. not on probation or not had a formal reprimand within the previous six (6) months.

<u>Years of Service</u>	<u>Percent of Vacation to be Paid Out</u>
0-5	50% or 20 hrs.
6-10	50% or 40 hrs.
11-15	50% or 60 hrs.
16-20	50% or 80 hrs.
21 and over	50% or 100 hrs.

8.3.4 Jury Duty

- A. Sunset City considers it a civic duty to serve on a jury if summoned, but does request that the employee bring the summons notice to the employee's supervisor the first working day after the employee receives the notice.
- B. If released from court early, the employee is expected to call his/her supervisor daily to advise him/her of the employee's status.

8.3.5 Holidays

- A. Sunset City Corporation specifies the following days as legal holidays:
 1. January 1, called New Year's Day
 2. the third Monday of January, observed as Human Rights Day;
 3. the third Monday of February, observed as the anniversary of the birth of George Washington and Abraham Lincoln, also known as Presidents Day;
 4. the last Monday of May, called Memorial Day;
 5. ~~June~~ ^{fourteenth} 14th July 4, called Independence Day
 6. July 24, called Pioneer Day;

Policy's for updates – Proposed Section 8 page 4 – Vacation Cash Out

E. Employees may ask to cash out accrued vacation hours up to 50% or up to 100 hours of the employees' total accumulated hours, whichever is less, based on the scale below. Such request may only be applied for once every fiscal year and only if this policy has been funded in the budget for that fiscal year. Employees must request this in writing to their Department Head. Department Heads will determine requestor's eligibility. Only employees in good standing will be eligible, i.e. not on probation or not had a formal reprimand within the previous six (6) months. In the event that an employee in good standing is in possession of 400 or more hours of vacation, is eligible for 100 hrs to be paid out.

<u>Years of Service</u>	<u>Percent of Vacation to be Paid Out</u>
0-5	50% or 20 hrs.
6-10	50% or 40 hrs.
11-15	50% or 60 hrs.
16-20	50% or 80 hrs.
21 and over	50% or 100 hrs.

SUNSET CITY CORPORATION VACATION HOURS CASH OUT FORM

old policy
form

The purpose of this form is to request to cash out up to 50% or 100 hours, whichever is less of accumulated vacation hours.

Name: _____

Date: _____

Department: _____

Fiscal Year: From: July 1, 20 ____ To: June 30, 20. ____

Total Vacation Hours: _____

Eligible Cash out Total: _____ 50% or 100 hours whichever is less

Total Requested: _____

I understand that my cash out request must be approved by my Department Head and may be denied based on the financial position of the City at the time of the request or for any other reason in the discretionary judgement of the City.

Employee

~~~~~  
*Approval*

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Department Head

Council: \_\_\_\_\_