



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, November 7, 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** – September 19, 2023 and October 3, 2023
- D. PUBLIC COMMENTS**

AGENDA ITEMS

- 1. Consider Allowing Use of Sunset Room for Community Yoga with Hope Thompson**
- 2. Consider “Small Business Saturday” Event with Hope Thompson**
- 3. Discuss Subdivision Utah Code Updates with Mike Hansen**
- 4. Discussion with Mark Morris on the Form Base Code Draft**
- 5. Discuss the Contract for City Property Located at 1913 N 400 W**
- 6. Mayor, Council and Department Head Reports**
- 7. Adjourn Regular Session and move into the Work Session**

WORK SESSION

- 1. Discuss the Vacation Cash Out Policy**
- 2. 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 – November 3, 2023

Nicole Supp, Recorder

**Sunset City Corporation
City Council Minutes
September 19, 2023
Page 1 of 9**

Minutes of a regular meeting held September 19, 2023 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Pro-Tem Wiggill presiding.

REGULAR SESSION

Mayor and Council Present:

Scott Wiggill	Mayor Pro-Tem
Chad Bangerter	Council Member
Beverly Macfarlane	Council Member
Nakisha Rigley	Council Member
Nancy Smalling	Council Member

City Employees Present:

Nicole Supp	Recorder
Jason Monroe	Public Works Director
Brett Jamison	Police Chief

Excused:

D Howard Madsen	Mayor
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Others Present:

Hope Thompson	Sunset Resident
Arlo Doyle	Sunset Resident
Liam Thrailkill	Utah Leagues of Cities and Towns
Gary Whatcott	Utah Leagues of Cities and Towns

The regular session was called to order at 6:31 p.m. by Mayor Pro-Tem Wiggill.

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

Regular Meeting:

Approval of Minutes: Council Member Bangerter made a motion to approve the meeting minutes for August 15, 2023 as presented and Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane Rigley and Smalling voting yes.

Approval of Vouchers: Council Member Macfarlane made a motion to approve the voucher for Security Bank in the amount of \$119,995.00 for the lease payment on the four Police Dodge Durangos and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane Rigley and Smalling voting yes.

Council Member Macfarlane asked Police Chief Jamison if all of the Police vehicles are acceptable. Chief Jamison informed Council these vehicles put his department vehicles on a normal rotation plan so each year he will need to replace a vehicle. Unfortunately, the last time they were on a rotation was in 2015 so he is now catching up. Council Member Bangerter asked

if he will be getting rid of two of the Chevrolet Caprices. Chief Jamison stated all four of the Caprices will be gone, thankfully, because the maintenance bill keeps going up on them.

Public Comments: Arlo Doyle: 1959 N 350 W – Mr. Doyle shared from Facebook the citizens feel the City is doing a really poor job of communicating things to individuals. He feels the City could improve by getting a Social Media Manager. There have been multiple times City Council have been blasted on different social media pages for lack of communication, especially with the construction on 1300 North and the water being turned off. Mr. Doyle expressed concern with the updates for Ordinance 6-1-3. He said the Ordinance states: to park or allow to remain standing any vehicle in the same location on any street for a continuous time exceeding 24 hours. He feels this seems rather vague and general considering the need for people not to be on the street during the winter parking hours. However, during other times of year, for example, he has three vehicles; one of those vehicles primarily is parked on the street and belongs to his oldest child. They only work three days a week, they often do not leave the house unless they need to and they park in the exact same spot each time. His general concern is how the Ordinance is going to be enforced. Is it going to be enforced consistently or is it going to be enforced on a basis of judgment. Mr. Doyle said it is ridiculous if you have a vehicle parked on the street, you can't have it there more than 24 hours. He feels he is not the only individual in this type of situation, so the lack of clarification as to what exactly is going to happen and the type of enforcement is bothersome. He asked if it is a provision put in place which will be used as a punitive if somebody upsets an individual or the enforcement is not going to be equal across the board for individuals.

Hope Thompson: 1613 N 350 W – Ms. Thompson questioned Ordinance 6-1-3; she spoke about a cement truck parked on the side of her house. The owner of the cement truck asked her if the Ordinance applied to them, she tried to explain from what she had heard at the last Council Meeting it applies for larger vehicles over a certain size which are obstructing the view to pull in and out of your driveway safely. She asked Council where it is published for residents. Recorder Supp informed it is noticed on the Public Notice Website.

1. **Utah Leagues of Cities and Towns Representatives Q & A:** Gary Whatcott introduced himself as a Senior Advisor for the League. He started working with the League in November of last year. Prior to, he was a City Manager for a long time; he said he has worked in local government since 1978. Liam Thrailkill is a Program Manager, Policy Analyst at the League. He was hired initially to do the American Rescue Plan Act outreach for all the different cities and towns.

Council Member Macfarlane shared she was at the last session in the spring where she learned about the Administrative Advisor Program where she brought it back to the City Council, she feels it would be very advantageous for the City. She feels it is a really great opportunity for the City to have some kind of management since there is not a City Manager. Mr. Whatcott stated the program was established during the last legislative session, the money was supposed to be here by July, and it was late in coming so we just received the funding for the program. Mr. Whatcott outlined the program. The money comes from the State through the Governor's office of Planning and Budget. The money comes to the League and

then the League manages the program and the contracts through the AGs (Association of Governments). The AGs work with the individual cities to help them with projects. The cities can go to the AGs with an administrative project such as planning long term strategies for the City or looking at growth and whether it's part of the budget planning. Small cities need not only that, but they need some administrative support whether it's assistance with writing an ordinance or helping with budgetary issues. A lot of small communities were able to use the resource to help them. These projects go through the AG and then they are assigned to the local Administrative Advisor. Mr. Whatcott explained the role for the League is he and Mr. Thrailkill provide support for professional development as well as making sure the right reporting gets back to the State so the funding can keep growing. Council Member Macfarlane asked if this is only an Administrative program or could the Police and Public Works Departments also use this program. Mr. Whatcott explained all departments of the City could utilize the program. Council Member Smalling asked if the program is only at the State level or could it help at the Federal level. Mr. Thrailkill expressed this is for State level programs but there are people at the AG who can help with communication with any Federal agencies. He suggested calling Brock Jones or Brian Carter from AG.

Council Member Bangerter stated he has been in local government for 16 years and it feels like the League is getting further and further away from the City, we have gotten out of reach from the League. Every year the City pays a fee to be a member of the Utah Leagues of Cities and Towns and he feels they do not care about Sunset. He said he appreciates what the League does at a legislative level but everything changes over time and wishes there was more support for smaller cities. He is not impressed with the League, he said every time he calls, he doesn't reach anyone; the last person he talked to was David Church who no longer works with the League. He feels they should analyze their agendas to also help smaller cities and not just big cities. Mr. Whatcott expressed he cannot speak for the past at the League since he is new to working there but the reason he and Mr. Thrailkill is here is because they are dedicated to the Administrative Advisor Program. There is an understanding rural communities need help throughout Utah. We understand even though there is growth, not all cities are going to grow to the size they can support a full-time professional staff. Mr. Whatcott explained the league has recognized this and has a long way to go. One of the things they're working on is training content for elected officials. These are things they're working on. Hopefully the League can get to a place that would satisfy and Sunset could see an improvement. Mr. Whatcott said he can't make any excuses for what Council Member Bangerter's experience was, but the League has finally reached this sizable point where they can put resources towards more small towns. Mr. Thrailkill explained they have noticed a need to help smaller cities and they are communicating more with their staff to see what could be beneficial for them. Council Member Bangerter reiterated it is important at the legislative level for the League to protect the cities and especially smaller cities. Mayor Pro-Tem Wiggill expressed he also feels like the sessions could be tailored more to little cities as well. He went to a session and felt it did not pertain to him because it was centered around big cities with big budgets. As was stated in public comment by Mr. Doyle the residents feel the Council is lacking in communication, we as the Council feel the League is lacking in communication. Mr. Thrailkill said the League is recognizing their shortcomings and working towards a more cohesive relationship with smaller cities. He explained the website

is full of resources and information to help smaller cities. Council Member Smalling asked if there was a flow chart of personnel at the League for contacts for the City to have. He replied that there is one on the website. Council thanked Mr. Whatcott and Mr. Thrailkill for their time.

2. **Consider and Approve Civil Attorney Service Fees:** Mayor Pro-Tem Wiggill stated the Council decided at the last meeting paying \$125 per hour for the attorney fees would be satisfactory. Council Member Bangerter reviewed, to prevent misunderstanding, the original \$300 additional per month was going to work but after selling some properties and solving some of the economic development issues the \$125 per hour felt okay. Mayor Pro-Tem Wiggill reiterated it's been identified \$125 an hour would be acceptable to the Attorney working on civil matters which would be above and beyond his normal fee. Recorder Supp clarified the Attorney would not get \$300 a month; he would get paid \$125 per hour for all civil services. For small items taking 10-15 minutes to review would be billed $\frac{1}{4}$ of \$125. All Council agreed and Mayor Pro-Tem Wiggill stated an agreement will be prepared for the next meeting to be signed.
3. **Mayor, Council and Department Head Reports:** Council Member Rigley announced the Mental Health Awareness Craft Fair went well and had a great turnout. She shared her main focus has been the Youth Council and making sure they are in a positive, fun and learning environment. In October they would like to do something more unique than a Halloween party. They have decided to do a costume drive. Halloween costumes can be really expensive, and the youth decided they loved having their own party last year and a costume contest, but they really liked the idea of letting people donate Halloween costumes for reuse. There will be a box set up in the lobby for people to put new or gently used costumes or accessories. We're going to let people drop off donations from tomorrow until Friday the 13th of October. Then on the 13th in the Sunset Room there will be a costume pickup party. They plan on having some treats, Halloween music, decorations and making it a fun time. Council Member Rigley shared one of the youth, Ace Stevenson, has created an Instagram for the Youth Council for them to update what they are working on. You can find it at sunset_youth_council and it's got a new profile picture with all eleven kids. On October 3rd, the youth would like to have an Oath of Office ceremony. Council Member Rigley hopes this will show them to take their roles as officers more seriously, and make it more official for them. The Youth Council is working on and brainstorming ideas for their next fundraiser.

Council Member Smalling reported the Mosquito Abatement meeting is wrapping up their season. It is interesting to her how surrounding states don't do as heavy treatment for mosquito borne diseases as Utah. Council Member Smalling shared she has new ideas for the Veterans Program this year. She is going to try something new and if it doesn't work out, it can always be switched back to what has been done in the past. Veterans Day is on November 11th this year, typically she would avoid doing it on a Saturday because the Jr. High School usually comes and sings but this year she's opted to do the program a little bit earlier in the day and do it on a Saturday. She's hoping it will help bolster some of the numbers because during the winter time when it's dark, especially with a lot of our veterans being older, people don't like to drive. It's going to be at 4:30 served with a light dinner. She

is working on coming up with the best ideas within the budget and also food that will make more than one palate happy. There will be live music, a flautist and possibly a piano or cello player. The theme this year is going to be: Stand for the flag and kneel for the fallen. Unfortunately, the City has lost a lot of older veterans this year, so there will be some kind of recognition in the program this year; we've lost three alone this year. She has been in contact with the Military Academy to do the color ceremony as well as a speaker from Hill Air Force Base. Mayor Pro-Tem Wiggill expressed gratitude for all of Council Member Smalling's hard work on the Veterans Program. He said he likes the idea of trying to change it up and taking some positives from the past and continuing to make it grow.

Council Member Bangerter reported for economic development the City is under contract on the sale of the home which was purchased for the expansion of the public works facility. He is trying to figure out what to do with the properties in the Plaza, which are part of a conglomeration of mass over there. He feels the City either tries to buy them all and tries to negotiate with property owners to develop the property into something usable for the City or just sells the ones the City owns to any of the other property owners there. Council Member Bangerter stated he is concerned about beautification in the City. Weeds are always an issue, but he noticed a lot of construction sites were doing construction and the sidewalks are hardly passable. The sidewalks you can walk on are full of stickers so you couldn't go through with a bicycle. Next, Council Member Bangerter addressed the parking Ordinance. He stated he is a firm believer streets are made for moving traffic not parking, unless it's an emergency situation. The Council tried to make the Ordinance work for what is best for the City so they are allowing parking on streets. The Council have a rule set forth to allow our police officers to use judgment and discernment in their ability to control the safety of our streets. Council Member Bangerter suggested everyone do your best to keep our City streets clean and as safe as possible. He said it's getting harder and harder to negotiate our streets than it used to be when he first moved here in the 90's. He addressed the cement truck; there should be no cement trucks parked on City streets. Technically the cement truck falls into the same category as city ordinance against parking. Again, the Council leaves the decisions to the discernment of those who enforce those rules.

Council Member Macfarlane said parking has always been an issue, she knows the Police are working with residents to educate them and address the parking complaints. She informed Council all three senior centers in Davis County got together and had a summer social. They had vendors there from all different resources of care centers and advocates for seniors, who had resources for them to go to. There was music, food, raffles and shuttle buses. She expressed it was a wonderful event full of resources and information for the elderly or those needing to find care for their family members. Often a lot of our seniors don't have a place to go. The most common thing she hears from seniors is they're lonely. They don't have anybody to talk to and they're home all day long. The Senior Center is a great resource for them. The beautification of our sidewalks has improved and she's noticed on some of the corners, Public Works have reconstructed some of those corners for ADA. She said she appreciates Public Works for their hard work. Council Member Macfarlane informed Council there's a community council that's very concerned about the students crossing the roads; the concern is not only 1800 N, but also 2300 N because the traffic gets shifted over to 2300N.

Her advice is the Council look into the next year's budget to hire additional crossing guards. The community council ultimately would like a light on 2300 N. She stated she is very concerned about the seven lanes coming to 1800 N. Council Member Macfarlane informed she received a call about cemetery discounts since Sunset doesn't have a cemetery. The caller asked if our sister cities, Clinton or Clearfield, could offer discounts on cemetery plots. She called and spoke with Mayor Shepherd and he said their council addressed the issue five months ago and said their cemetery is the size it's going to be, it's not going to be any bigger so they are going to limit plots to Clearfield residents only. Council Member Macfarlane has a call into Clinton City's Mayor and he has not yet responded. She mentioned the service project last month was amazing. In Davis County we have 1,200 to 1,700 homeless youth, 300 of them are in Sunset's schools. The project collected donations for almost 2,000 grab and go bags. She is hopeful with the counseling offered they can redirect these teenagers into a working society; hopefully they can feel they can be a part of a community.

Public Works Director Monroe indicated the 1300 North project is getting ready to start paving, they have 90% of the storm water boxes tied in. Council Member Macfarlane interjected asking Director Monroe if the new garbage hauler has a different schedule than the previous hauler. Director Monroe replied no, they are just getting used to the new routes. Mayor Pro-Tem Wiggill laughed, saying he does not miss the squeaky breaks of the old garbage haulers at 5:00 am.

Police Chief Jamison stated his department is up 2,501 cases. He is now fully staffed. Chief Jamison has been working on creating a safe zone or exchange zone out in the west parking lot. The area will be monitored 24/7, you pull up and the exchange whether it be custody exchange, buyer exchange, etc. will be video monitored. The camera can detect full license plate numbers and there will be signage. Council Member Bangerter thanked Chief Jamison for being proactive and creating a safe place for the residents to make exchanges. Mayor Pro-Tem Wiggill expressed his thanks for Chief Jamison being proactive instead of reactive. Council Member Macfarlane asked if the Farmers Market has had any problems. Chief Jamison replied no, they have two weeks left. Mayor Pro-Tem Wiggill said the people putting on the Farmers Market have done a really good job. They came in and made their presentation, and followed through on the things they said they were going to do. He has seen no issues with the Market. He hopes they'll approach Council and do the Farmers' Market again because he has enjoyed it. Council Member Smalling asked if the new Police vehicles will have the same light bars as the ones he currently has. Chief Jamison replied yes. Council Member Smalling was pleased to hear this because she feels the light bars now are fantastic and light up the area.

Recorder Supp informed Council the write in deadline for the running seats as Council Members in this year's election was yesterday and no one came in. The three candidates are now running unopposed so this year's election can be cancelled. Mayor Pro-Tem Wiggill said the Council welcomed those new members on board and said we'll be sad to see our long time members leave as well.

Council Member Macfarlane questioned what was going on at Central Park as it looks like things regarding the construction on 1800 N are being stored there. Mayor Pro-Tem Wiggill stated the district has worked out a plan so they can store some of the construction items there until it comes time to use them; it's a staging site. Council Member Macfarlane asked if there have been any discussions with MIDA in regards to the land on the east side of Main Street. Director Monroe replied no.

Council Member Bangerter made a motion to move into a work session. Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

WORK SESSION

1. **Discussion of Scorekeepers Nest:** Council Member Bangerter asked to table this item as he has left three messages with the insurance but has not received a response yet.
2. **Discuss Maintenance Worker Certifications:** Director Monroe informed Council about four or five years ago in the Maintenance Worker job description it was added to say within six months you must get a CDL then you are a Maintenance I. Once they take their water or wastewater test they become a Maintenance II. After they take the other of the two water tests they move to a Maintenance III. There are four or five other tests they must take to move on to a Maintenance IV. When these certifications were added in, there was a timeframe stipulation. Director Monroe expressed he understands the mindset 20 years ago when you had to physically know someone to get a city job, however, that is no longer the case. He currently has an employee which if he passes one of the tests he took last week, he cannot move up to a Maintenance IV. According to the job description as written, he would have to wait two years to move into the Maintenance IV position. Director Monroe would like to remove the timeframe stipulation to encourage his employees to move up. Council Member Macfarlane questioned if changing the job description would encourage employees to leave if they didn't have to wait to move up. Director Monroe feels it would encourage employees to leave if they could go to another city with their certifications paid by Sunset to be a Maintenance IV and get paid for it. He said theoretically, it would take a Public Works employee two different budget years to go from Maintenance I to a Maintenance IV. The employees who are working hard to get those certifications, which help the City immensely, are being hindered from moving into the positions they would be qualified for, per the certifications. Council Member Macfarlane asked if changing the job description helps keep employees here. Director Monroe replied yes, this is why he has brought this to Council. Council Member Macfarlane was unsure and felt the City should be asking the employees to stay at least six months after getting certifications. Council Member Smalling stated the kind of world we live in now, there is no loyalty to employers, it does not exist. She questioned if there should be some kind of penalty if the City pays for the certifications and they end up leaving. Mayor Pro-Tem Wiggill stated if the City chooses to penalize employees by making them give us time and they aren't rewarded, it still doesn't mean the City will keep them as employees. He said the Council should be concerned not only for Public Works but for all departments, we need to try to stay as competitive as we can, giving the employees of our City reasons to stay. Council Member Macfarlane asked if it would lose sight of goals. She feels if employees know they have to be here for two years to be able to get a certification

then it will keep the employee here until they can get the certification. Director Monroe said it would not because they could go to another city and get the certification as fast as they want. Council Member Bangerter disclosed his son works for Public Works so he will not address the situation but would like to say in any job you look to your boss and you always look at their position and you think to yourself, one day will I be that boss? Can I become the Chief of Police? Can I become the Public Works Director? And he thinks it's an important thing to remember. Another important question to think about is who are you training to replace your position? Being able to give them the ability to acquire these certifications, acquire the training, the education they need, and even help them to do some of the more administrative things is a good way to give someone a goal or a focal point of what they could become. The Council agreed to put the changes to the verbiage on the next Council meeting.

3. **Discuss Vacation Cash Out Personnel Policies and Procedures:** Director Monroe shared as part of the Council's role, vacation cash out is supposed to be brought up every budget time, if not funded then at least addressed. He said he is okay if it is not funded but what he struggles with is an employee who has over 400 hours of vacation can only cash out how many years they've been here. 0-5 years is 20 hours, 6-10 years is 40 hours, 11-15 years is 60 hours, 16-20 years is 80 hours and 21 plus years is 100 hours. His proposed changes would add: any employee in good standing with 400 or more hours of vacation would be eligible to cash out up to 100 hours, if the program is funded. Director Monroe said if the employee is to leave or retire, the cash out helps bring the payout down so someone doesn't retire with 680 hours of vacation; cashing out at the highest pay they would receive at the City. Chief Jamison informed Council the program was originally created with Mayor Isom as a way to buy out your vacation for a hardship. He explained when the program was originally implemented, if an employee had 300 hours, they could cash out once a year, 50% or 150 hours. A few years later it went down to 100 hours and now it is based off of the chart in the policies. Chief Jamison said the part which comes into play is each time a pay raise is given it adds on top of the payout versus if someone is able to cash out hours every now and then, it reduces the amount the City has to pay. Regardless, they will be paid out the full amount if they leave. He feels the Council should come up with a happy medium to facilitate this program. Council Member Macfarlane said from her past working at the State level it was a way to retain employees to keep them there so they stayed in order to cash out when they did. She said if it was an every year thing the door would be revolving for everyone who left, because there would be no incentives to stay. Chief Jamison disagreed and said he has been working with the City for 26 years and he is not staying here to add up his vacation hours because every year he goes over the amount you're allowed to keep so he loses vacation time. It is a use or lose policy, as a department head, it is harder for him to take vacation, not to mention, this is becoming common in smaller municipalities. Council Member Macfarlane stated it happened every year at the State level, you would lose vacation. Chief Jamison asked her if she was okay with that happening. She replied it was what it was; a way to retain employees because there were people who were right on the borderline of shall I leave or shall I stay, and if they had two more years to stay they would be able to cash out. Chief Jamison disagreed, stating he could leave today and get cashed out. Council Member Bangerter stated he has a son who works for the City but informed Council this was put in

the policies basically as an incentive to keep people and to make our employees happy. It was done with the thought process there would be enough in the budget. It's the last thing we talk about in the budget if we even talk about it at all. Council Member Bangerter said we should address this each year at budget time or get rid of it in the policies. Mayor Pro-Tem Wiggill expressed Council has questions regarding the policy and would like the Department Heads to come up with a cause and effect on how many people in each department would be able to cash out and how many hours. He feels this should be looked at for our employees and not wait till the end of budget time to provide for the employees.

4. **Discuss Donations for Veterans Park Plaques:** Council Member Macfarlane shared a resident has offered to donate \$1,000 to the Veterans Park. He expressed he liked the signage Council Member Smalling put around the walkway for the dedication of the park. She suggested carved in stone plaques. The resident is Michael Love. Council discussed laser engraving, Story Walk signs, acrylic frames and steel signage. Council Member Bangerter stated whatever material is used, the Council needs to find materials which will hold up to the weather. He was also concerned about the maintenance of said signs. Mayor Pro-Tem Wiggill suggested asking the resident what they would prefer to do; he could buy plaques and donate them or donate money. Council Member Macfarlane said she would follow up with the resident to see how he would like to proceed.

Council Macfarlane made a motion to move out of the work session and adjourn. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley, and Smalling voting yes.

The meeting adjourned at 8:20 p.m.

Approved – November 7, 2023

D Howard Madsen, Mayor

Nicole Supp, Recorder

The regular session was called to order at 6:31 p.m. by Mayor Pro-Tem Wiggill.

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

Regular Meeting:

Approval of Minutes: Council Member Macfarlane made a motion to approve the meeting minutes for September 5, 2023 as presented and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Macfarlane, Rigley and Smalling voting yes.

Public Comments: Hope Thompson: 1613 N 350 W – Ms. Thompson approached Council suggesting an indoor Farmers' Market. The Farmers' Market was a huge success this year and she feels the community would love to have it all year; possibly in the Sunset Room.

1. **Youth City Council Oath of Office Ceremony:** Council Member Rigley thanked the Youth Council new members and established members and their families for coming to participate in the Oath of Office Ceremony. She stated she is profoundly moved to embark on this remarkable journey together with the Youth Council. Even though the Youth Council is new, she is really proud of this group of kids that have stepped up in their community to take responsibility and be leaders and learn to be leaders. Council Member Rigley expressed it takes a lot of courage, and she is proud of all of the members for what they have done. The Youth Council have done a lot of exciting things for the community and it's really great to see their passion for giving back. Recorder Supp gave the Youth the Oath of Office and they were thanked by the Council Members.
2. **Form Base Code Updates with Mark Morris and Planning Commission Chair Penman:** Planning Commission Chair Penman stated the Commission has been working hard with Voda to complete the Form Based Code, Mark Morris from Voda is here to present a prototype to Council so they can see what the code will look like for the City. She shared the final draft will be available November 30th for the public and the Commission will hold a Public Hearing in their meeting for December and the following Tuesday the City Council will hold their Public Hearing for the adoption of the Form Based Code. Council Member Macfarlane acknowledged the two newest members of City Council who will lead in the new year are in attendance to see what they will be helping enforce.

Mr. Morris expressed the Commission is trying to establish parameters that will work for Sunset. Council Member Macfarlane asked where Mr. Morris was from. Mr. Morris advised he works for Voda which is a planning company from Salt Lake City, his firm was chosen in a planning pool with WFRC organization to help the City with this project.

Mr. Morris shared with Council a map showing the Form Districts: Neighborhood, Town Center and Residential Transition. The commercial corridor on Main Street, the highest density areas and the buffers between commercial and residential is where the districts will be applied, overall, everything but the Residential R1 zone is where the districts will sit. The

yellow area on the map is the UDOT surplus land when the 1800 North Project is complete, essentially the City could end up with a one sided Town Center district. There will be a lot of space on the East side of Main Street and the vision of the City is to make the area feel like the center of Sunset. Council Member Macfarlane asked if it is the City's responsibility to work with MIDA to make the vision happen. Mr. Morris stated yes. By working with MIDA and letting them know this is the vision the City has you can try to work together on wanting more out of the land. He shared he has spoken with MIDA and the last they were thinking the land would be mixed use.

Mr. Morris stated the intention of the Form Based Code is to create longevity for businesses. The buildings will be able to be reused for other purposes than what it was originally built for. When a developer comes in, they can work through this prototype and see if it works for them. The Form Based Code will explain site specific parameters, building location, minimum footprints and walkability.

Mr. Morris explained for site specific parameters, what are the important frontages? Where will the building be located on the parcel? And one thing these site parameters does is it establishes minimum and maximum setbacks. By pulling the building up to the street you create the walkability or essentially "Town Center." Council Member Macfarlane asked if there will be exceptions for bus stops. Mr. Morris enlightened the City can seek out what incentives to give developers to support bus stops such as a small shelter, shade, benches, etc. to improve bus stop areas. Mr. Morris goes on to explain bringing the building up to the road and putting the 70% minimum frontage coverage, 60% minimum secondary frontage coverage and a 30-foot required occupied space brings the business in the front instead of parking garages. Council Member Smalling asked if there will be parking issues. Mr. Morris expressed parking is typically always an issue.

Each form district will have their own building height. Articulation of the facade is part of breaking up the flat of the building. Creating divisions that break the façade up into sections that run the entire length of the building both horizontally and vertically. This mimics a group of smaller buildings which are more compatible with the neighborhood character. The BTZ or build to zone is where the City gives a little leeway for pedestrians. The areas within the BTZ zone that are not occupied by the building are pedestrian spaces. These spaces help the building façade interface with the streetscape.

The last part of the prototype is use. The use of a building is regulated in an open way, determining if it is an upper floor use or ground floor use. The ground floor is going to be the active floors and upper floors will be used for things not activating movement such as residential or office space. Mr. Morris informed the architecture of the building will be kept simpler and vague. Council Member Smalling questioned the outside coloring of buildings, you would not want a bright blue building in the middle of more calm colors, we would want the outside to be aesthetically pleasing as well. Mr. Morris advised the colors will be discussed but there won't be a specific color pallet they would have to choose from. He stated the materials used should be high quality.

Lastly, Mr. Morris explained the process for development. The property owner would go through the prototype, they would attend a meeting with a Planning Commission member and a member of City staff, and they would go through a checklist to make sure their development was in line with the Form Based Code. The process is like learning a new language, but once it gets going it will be aligned with community goals. Council Member Macfarlane thanked Mr. Morris for his time. Council Member Smalling commented saying she has attended a few Planning Commission meetings and she has been very impressed with the work they are doing and the amount of care they show. Council thanked Mr. Morris for coming.

3. **Consider and Approve Resolution 2023-18 Cancelling the 2023 Municipal Election:** Recorder Supp informed Council there are three candidates for the 2023 election and they are running unopposed so the election can be cancelled. Council Member Macfarlane made a motion to cancel the 2023 municipal election and Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Macfarlane, Rigley and Smalling voting yes.
4. **Consider and Approve Civil Attorney Fee Contract:** Mayor Pro-Tem Wiggill reminded Council this subject has been before Council several times and determined the City will pay the City Attorney \$125 per hour for his civil services. Council Member Macfarlane made a motion to approve the contract for the civil attorney services and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Macfarlane, Rigley and Smalling voting yes.
5. **Approve Changes to Maintenance Worker Certification Job Description:** Director Monroe stated the only changes were to remove the timeline to advance. Council Member Macfarlane raised her concern of removing the timeline could propel employees to leave. Director Monroe stated one of the Public Works employees passed his water test and with the timeline it would cause him to have to wait two years to move into the Maintenance III job duties. Council Member Smalling suggested if the timeline is not removed it could also cause employees to leave the City to go to another City and be promoted to Maintenance III immediately.

Council Member Rigley made a motion to remove the timeline in the Maintenance Worker job description and Council Member Macfarlane seconded the motion. The motion passed unanimously with Council Members Macfarlane, Rigley and Smalling voting yes.
6. **Mayor, Council and Department Head Reports:** Council Member Macfarlane shared the xeriscaping she has seen going on in the City looks really nice and is helping beautify the City. She hopes residents will keep up on the maintenance and keep the weeds down. This month at the Senior Center it is depression awareness month. Signs of depression include: No appetite, loss of sleep, tired, restlessness, etc. A lot of seniors live alone and are by themselves so if they find themselves in a position of needing help with depression to go and seek help. On October 4th there will be Parkinsons and Dementia support groups. On October 13th it is Spanish Heritage Day. The Senior Center will be holding a flu shot clinic on

October 23rd and on October 24th it is free shred day. Items to be shredded include documents with personal information, credit card information and even junk mail. The Senior Center will host a Halloween party on October 31st this year. Council Member Macfarlane thanked Police Secretary Judy Hampton for sending the monthly police report to Council. She said she appreciates the information. Lastly, she informed Council she has not spoken with resident Mike Love in regards to his Veterans Park donation and suggested Council Member Smalling reach out to him.

Council Member Smalling informed Council she is starting to gear up for the Veterans Program which is coming up soon. She is currently searching for someone to cater to have good food to serve. This year for the program she has a pianist and flautist coming to play live music. She is going to have the lyrics for the National Anthem on the tables for the Veterans to sing this year. The color guard will be coming to perform the flag ceremony. This year it will be a very special moment for those Veterans the City has lost this year. Council Member Macfarlane asked if the Jr. High choir has been ruled out to sing at the program this year. Council Member Smalling said they are welcome to come to the Veterans Program but she has notice it has been distracting, they typically come and sing then leave during the program and do not stay for the recognition of the Veterans. She feels it is time for something new this year for the Veterans Program. Council Member Smalling informed the Mosquito Abatement are finishing up for the year. The data shows there is a lot of virus activity in surrounding states from mosquitos. Her final comment was in regards to the reciting of the Pledge of Allegiance at tonight's meeting. You do not hear the pledge enough and with all of the voices in attendance at tonight's meeting meant a lot to her. She said it was wonderful to hear, she thanked Council Member Rigley for bringing all the youth and their families together tonight.

Council Member Rigley announced how amazing it has been to go from no Youth Council to what they have now. She expressed how proud she is of the youth. Their most recent event they are working on is a Costume Drive. The youth have collected about 20 costumes so far in a little over a week. The costume pick-up party is on October 13th, it starts at 4pm and goes until 8pm or when the costumes are gone. It will be on a first come first serve basis. Council Member Macfarlane asked if she would like the Council Members to attend. Council Member Rigley said she would love if they attended, the youth love to see their support. There will be snacks and games.

Director Monroe indicated this week on the 1300 North project they are going to have the asphalt down by October 12th. The hold up was he was not satisfied with some of the curb and gutter they installed so he required them to replace it again. Director Monroe informed Council the basement in City Hall flooded again, he has removed the carpet downstairs. He asked anyone who has items stored downstairs to check on their items and get them off the floor. He has purchased a sump pump to help get the water out of the basement, there was three feet of water in the bottom of the elevator. Director Monroe shared his employee Beau Fullmer has passed his water test; he thanked Council for approving the change to the job description. He informed Council he is still waiting to hear more in regards to the Lead and Copper Rule. There is \$100,000 on the line and he has two companies competing for the

grant. Council Member Smalling was curious on how other cities are handling the Lead and Copper Rule. Director Monroe stated he is slowly moving equipment and items from the old shop to the new shop. He is working on building shelving and spacing so everything has a nice place when it comes over. Public Works are working on bringing the vehicle lift over now. Council Member Macfarlane stated she is receiving a lot of phone calls on when the 1300 North Project will be finished. Director Monroe expressed the contract is not up until the end of October so we are well within the timeframe. Unfortunately, there were some storm drain issues and Hill Air Force Base sent over change orders but it is almost completed. For the month of October there is a dumpster down at the Public Works shop for residents to bring their yard debris. Residents are allowed to bring their debris Monday through Friday from 7:30am to 3pm. Council Member Macfarlane shared she got a voucher for the landfill at City Hall and it was a wonderful process. She asked when the meeting with MIDA is. Director Monroe stated it will be at the end of November.

Police Chief Jamison informed Council the School District have changed the school boundaries now that they have decided Fremont Elementary will be closed. He is going to be entertaining two crossing guards for the upcoming budget. The boundaries up for vote are Roy City line up to 1800 North will go to Sunset Elementary. 1800 North to Clearfield City line will go to Doxey Elementary. He believes 810 West in Clinton will be the west boundary for both schools. Council Member Macfarlane suggested a light on 1300 North for the kids crossing. Chief Jamison confirmed 1300 North is not a reduced school zone and it does not qualify for a light. He said the principal at Doxey Elementary would also like to see a light there but as it sits now the intersection doesn't meet the requirements. Chief Jamison said the best thing he can do is educate the principal on what the justifications are to do a survey for a light there but he is assured the light is not necessary.

Recorder Supp notified Council Administration has hired the part time Deputy Recorder and she will be starting on the 10th of the month, her name is Sarah Markel. The water bills went out today and the Youth Council's costume drive was advertised on the bills. Recorder Supp reminded Council the City offices will be closed on October 9th for Columbus Day.

Mayor Pro-Tem Wiggill shared a letter he received from the 309th squad gold star from OSHA. It relayed recognition for the commitment and heart for civilian workers at Hill Air Force Base. He knows there are a lot of residents who work on base as civilians and he wanted them to see it is a reflection on Sunset City of the hard work they do. He gave kudos to Council Member Rigley for the work she does with the Youth Council. It is awesome to see the participation from the youth. Mayor Pro-Tem Wiggill gave props to the Public Works employees for their work on the 1300 North Project and asked Director Monroe to pass along he appreciates their efforts. He commended the Police Department and said he has noticed the officers out working a lot. He heard from a resident "Sunset's Back" and appreciated the work they have been doing, as well as their commitment and service. Mayor Pro-Tem Wiggill acknowledged Administration has been shorthanded, always helping other departments while still keeping smiles on their faces. For the North Davis Fire District they held an open house with hot dogs, chips, drinks, Creamies and helicopter rides. It was an

awesome event. He thanked the two soon to be Council Members for showing up to the meeting tonight and welcomed them.

Mayor Pro-Tem Wiggill cancelled the work session due to Council Member Bangerter's absence.

Council Smalling made a motion to cancel the work session and adjourn. Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Macfarlane, Rigley and Smalling voting yes.

The meeting adjourned at 7:53 p.m.

Approved – November 7, 2023

D Howard Madsen, Mayor

Nicole Supp, Recorder

IMPORTANT: Free Subdivision Code Update (Which You Need)

State subdivision laws changed in the spring of 2023. Every municipality and county in Utah (including yours) needs to update its subdivision ordinances during 2024 or earlier.

We will update your subdivision code for FREE with no strings attached. We have a contract with the Department of Workforce Services, through which the state will pay us to work on your code. No joke.

The process is simple: You give us the green light, we give you a perfected subdivision code and explanation of what's different, then you adopt the code. We'll handle both the technicalities of state law and the funding logistics.

We'll Do More Than Fix Your Subdivisions (Still for Free)

Our subdivision code update also includes:

- **Updated subdivision application forms** to match your updated ordinances (*everyone forgets to update the forms!*).
- **A year of free code hosting.** We've partnered with civiclinc to give you a free year of code hosting for your subdivision title. *You only have to use it if you want it.*
- **A "due process check"** to make sure you adopt the updated subdivision ordinances without violating any provision of your code.
- **Attorney review** (if requested) to triple check that your new subdivision code is compliant and legally sound.

LEARN MORE

Our team is led by **Mike Hansen**, who has 20+ years of planning and ordinance-writing experience.

To learn more and give us the green light, visit HansenPlanningGroup.com/Code or contact Mike at **801-550-5075 / mike@hansenplanninggroup.com**.

HOW TO UPDATE YOUR SUBDIVISION ORDINANCES (FOR FREE):



Mike Hansen, AICP

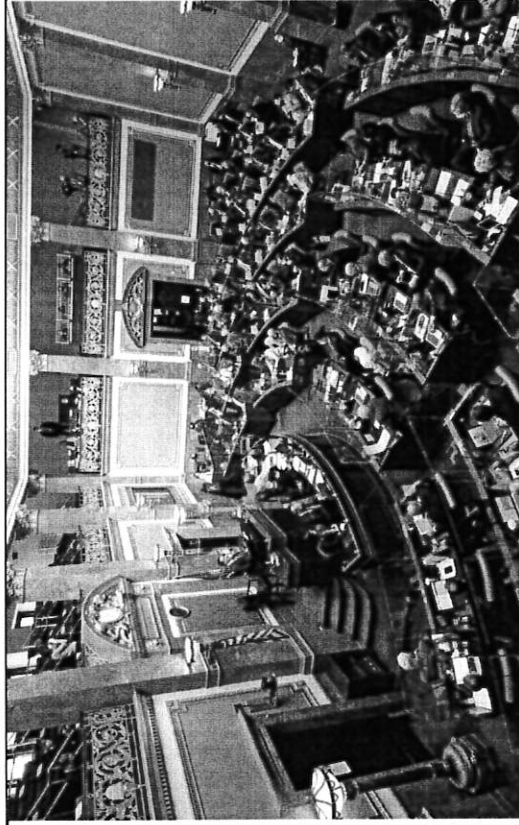


HansenPlanningGroup.com/Code

How to Plat,
How not to Plat that is the
Question...
& Development Standards

*Updated
May 22, 2023*





So Many Bills!

Local Land Use Planning & Administration

- 35 bills introduced, 19 passed
- 388 lines of code added to LUDMA (400 in County LUDMA)

For all Land Use Bills:



For Transportation:
WASATCH FRONT REGIONAL COUNCIL 2023
LEGISLATIVE SESSION WRAP-UP @ wfrc.org

Hot takes:

SB 174 subdivision provisions apply only to subdivisions for 1- or 2-family dwellings & townhomes

No more City Council approvals for these subdivision applications.

Administrative!

&

Planning Commission out of final plat approval process

Need to Designate “administrative land use authority” for these actions

Capped Review Cycle. Maximum of 4 review cycles permitted for final review only. So in between the Preliminary approval and final approval only four revisions are permitted.

Define a Complete Application-triggers timeclock of review

**Concept Plan cannot be
mandated**

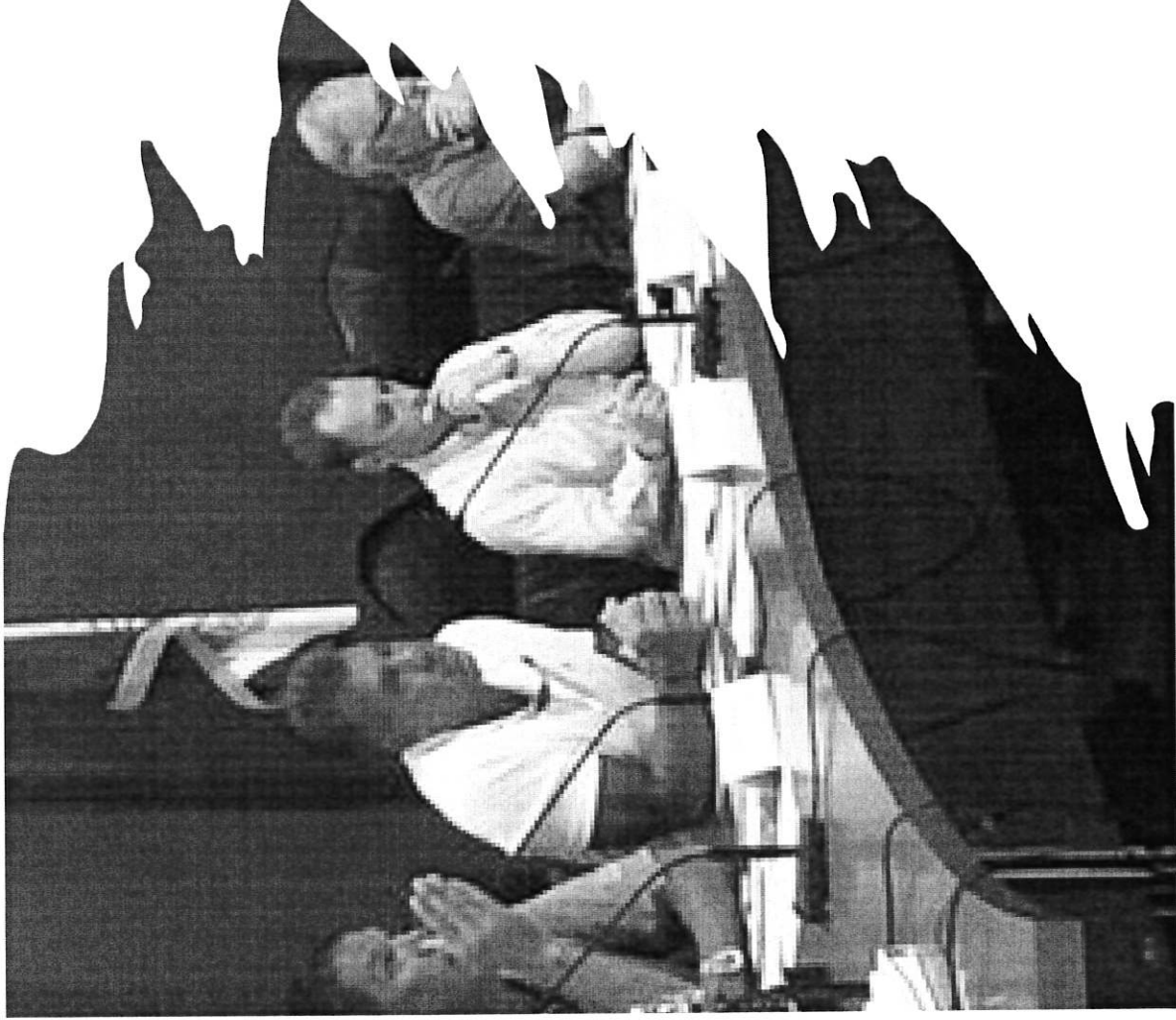
New Appeal Process is created

**You have until to make
updates by Feb 1, 2024 or Dec
1, 2024 (based on size)**

Subdivision Approval Process (SB174)

New LUDMA Section 604.1 – Process for subdivision review and approval

- Designate “administrative land use authority”
- Can be Planning or staff for preliminary review
- Applicant may request pre-application meeting. Can not be mandated. eg no mandate
- A Land Use Authority may complete preliminary plat review by staff, or in public meeting; may hold one public hearing
- Final application **cannot** be reviewed by Council or Planning Commission



Subdivision Review Process (SB174)

Maximum of 4 review cycles permitted for final review only. So, in between the Preliminary approval and final approval only four revisions are permitted. Check with your attorney for this provision.

- Initial review of preliminary plat to be completed within 15 business days of receiving complete application for that stage.
- Review of final plat to be completed within 20 business days of receiving complete application for final application.
- Applicant must respond to required changes he/she disagrees with in writing.

Appeal Process Changes

SB174 creates two distinct appeal processes after the four review cycles have been exhausted & 20 days have passed.

❖ For disputes relating to public improvement or engineering standards, the city shall assemble a three-person panel meeting within 10 days of receiving a request from the applicant.

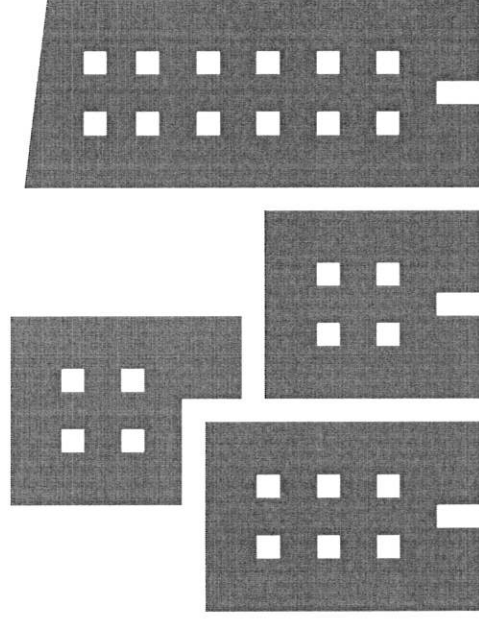
❖ For all other disputes refer to the regular Appeal Authority process



Action Item- When Do I need to do this by?

Municipalities who are required to comply with Moderate Income Housing Provision (MIHP) reporting (all cities with populations > 10,000 and cities with populations > 5,000 located in a county of the 1st, 2nd, or 3rd class) must revise their subdivisions ordinances to comply with this process by Feb. 1, 2024.

All other municipalities must revise their subdivision ordinances to comply with this process by Dec. 31, 2024.



Other Resources

FAQ Sheet

ULCT Land Use
Summary

Coming soon - July 2023 Statewide
Technical Support for ordinance
assistance under DWS grant fund
appropriated with the bill



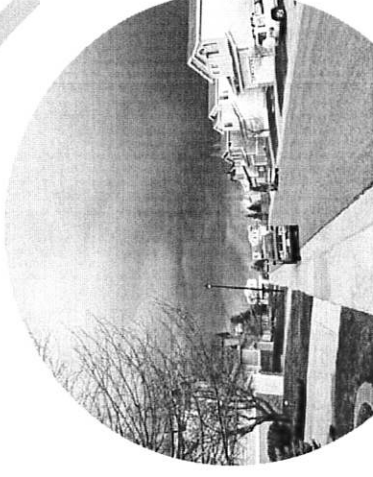
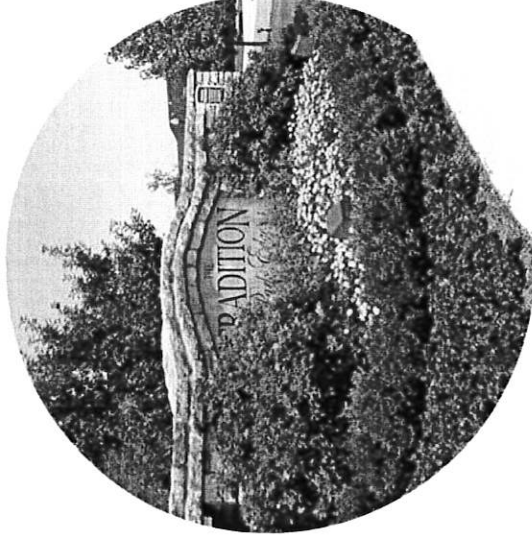
www.ulct.org/land-use

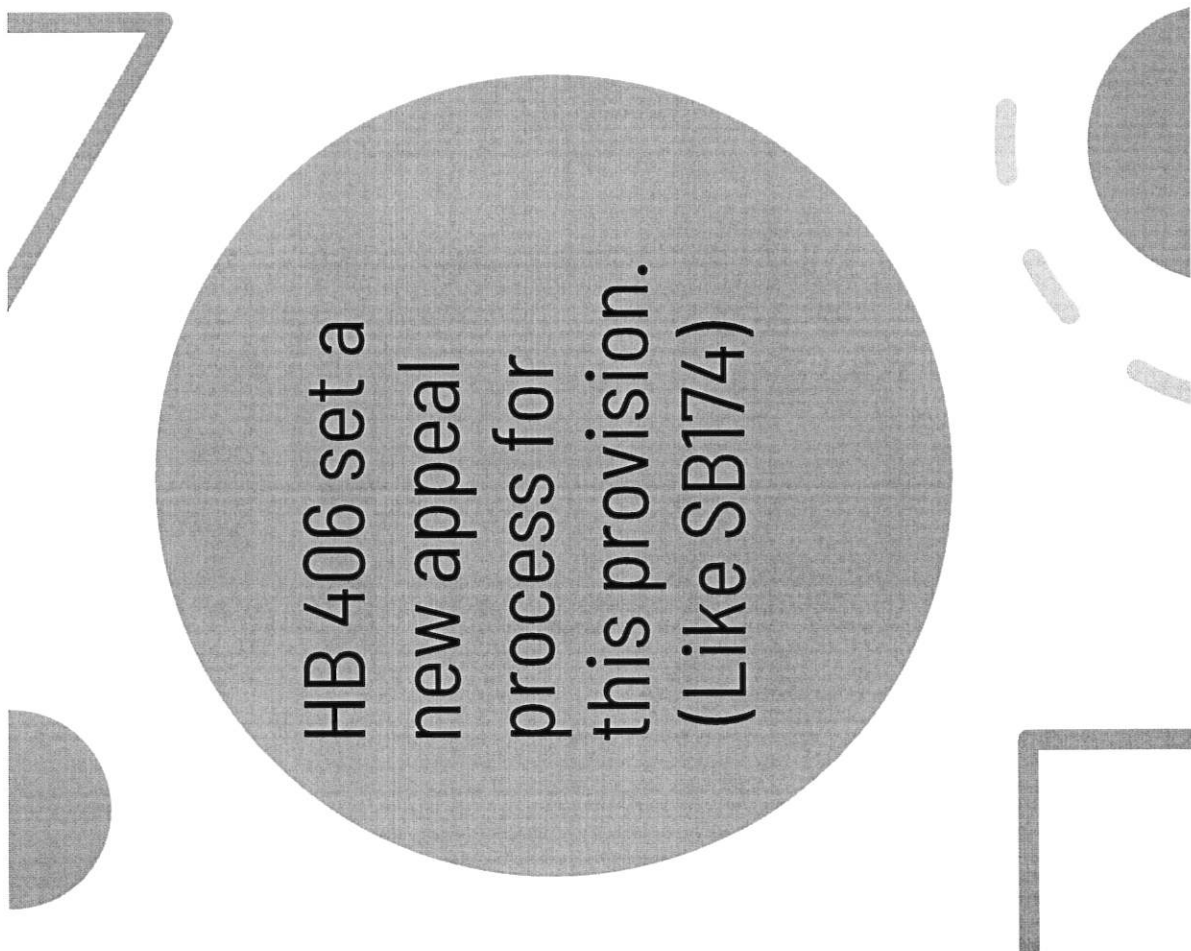
Development Standards (HB406)

- “Residential roadway” limited to 32 ft. pavement width, with *exceptions*
- A municipality may still require or allow a residential roadway that is less than 32 feet
- HB 406 defines a “residential roadway”

Action Item:

- Municipalities that require residential road widths greater than 32’ for residential cross sections should review those ordinances for compliance.





HB 406 set a new appeal process for this provision. (Like SB174)

The applicant can appeal the municipality's requirement under the statutory criteria for residential roadway width in excess of 32' to a panel of technical experts. Those experts include:

- One licensed engineer designated by the municipality.
- One licensed engineer designated by the land use applicant.
- One licensed engineer, agreed upon, and designated by the two designated engineers.

The applicant must pay 50% of the total cost of the panel and the municipality's published appeal fee. The municipality pays the other 50%.

The panel's decision is final, unless the municipality or applicant petition for district court review within 30 days after the final written decision is issued.

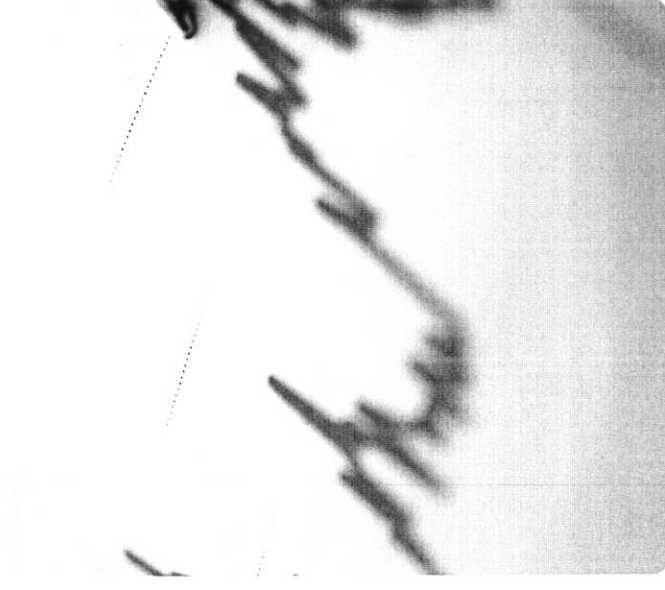
Other Land Use Provisions

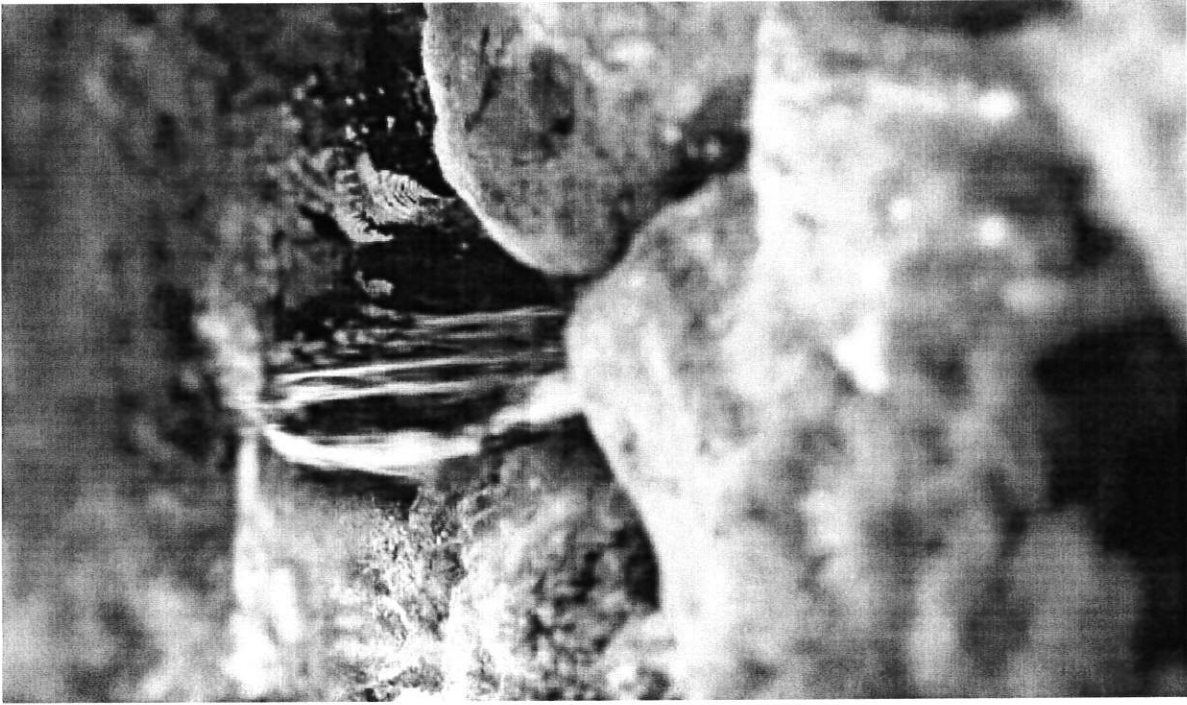
Development Agreements (HB406)

- HB 406 creates a new requirement for development agreements. If a development agreement restricts an applicant's rights under clearly established state law, the municipality must disclose the rights being waived in the agreement.
- Reminder: Don't forget last year's provisions re holding public hearing if land use regulations are modified in the Development Agreement.

Temporary Land Use Regulations/Pending Ordinance Provision (aka "Moratoriums") (HB406)

- HB 406 prohibits municipalities from "stacking" temporary land use regulations. Specifically, it restricts the application of a temporary land use regulation if the application was subject to a prior-temporary land use regulation.





Other Land Use Provisions

Public Landscaping Improvements (HB406)

Bonding for landscaping only for that on public property or to be dedicated, adjacent to trails, or to be maintained by HOA.

So how do you enforce now?

Fines?

- **Lot line adjustment changes (HB406, SB174)** "Subdivision amendment" does not include a lot line adjustment, between a single lot and an adjoining lot or parcel, that alters the outside boundary of the subdivision.

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;

Highlighted are the changes as well as removing the chart.

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.

**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: \_\_\_\_\_