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 Wednesday, December 5, 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 Smalling
C. APPROVAL OF MINUTES – October 17, 2023 and November 7, 2023
D. APPROVAL OF VOUCHERS – Weber Basin Water - $351,616.00 for Annual Water Charges
E. PUBLIC COMMENTS

AGENDA ITEMS

1. Update from Connext
2. Q & A with Mark Morris for the Form Base Code
3. Consider and Approve Resolution 2023-19 Recertification of Sunset City Justice Court
4. Mayor, Council and Department Head Reports
5. Adjourn Regular Session and move into the Work Session

WORK SESSION

1. Discuss Potential of Property Located at 1913 N 400 W
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 – December 1, 2023

Nicole Supp, Recorder

SUNSET CITY CORPORATION

VOUCHER APPROVAL FOR INVOICES OVER $15,000.00
Date: November 21, 2023 – December 6, 2023

DATE	VENDOR	DESCRIPTION	DEPARTMENT	AMOUNT
11/20/23	Weber Basin Water	2024 Annual water charge		$351,616.00
			Total	$351,616.00

Mayor _____

Council Members _____

_____

_____

_____

_____

City Recorder _____

City Treasurer _____

Date _____

INVOICE: 0076170

WEBER BASIN WATER CONSERVANCY DISTRICT
2837 EAST HIGHWAY 193
LAYTON, UTAH 84040
(801)771-1677

Invoice Date: 11/16/2023
County: DAVIS
Tax ID:

SUNSET CITY CORP
ATTN: SUSAN HALE
200 WEST 1300 NORTH
SUNSET,UT 84015

Customer Number: 0090032
DUE: JAN 1ST

Description	Quantity	Amount
Annual Water Charges	600.00	162,264.00
Annual Water Charges	800.00	204,352.00
Credit - Well Lease Agreement		-15,000.00

THIS IS FOR 2024 WATER CHARGES
DUE BY DATE HIGHLIGHTED ABOVE

Total Billing: **$351,616.00**

Did you know you can pay your bill online? Simply navigate to https://customers.weberbasin.com, click on 'Pay A Bill', and enter your 8 digit authentication code. 62988356. All major credit cards, Pay Pal, and bank drafts are accepted. Convenience fees will apply. Please read all payment terms and conditions.

RESOLUTION NO. 2023-19

A RESOLUTION REQUESTING THE RECERTIFICATION OF THE SUNSET CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that Justice Courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present Sunset City Justice Court shall expire on the 31st day of January, 2024; and

WHEREAS, the members of the Sunset City Council have received an opinion letter from Dustin Ericson, City Attorney, which sets forth the requirements for the operation of a Justice Court and feasibility of continuing to maintain the same; and

WHEREAS, the members of the Sunset City Council have determined that it is to the best interests of Sunset City to continue to provide for a Justice Court;

BE IT RESOLVED, that the Sunset City Council hereby requests recertification of the Sunset Justice Court by the Justice Courts Standards Committee and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the City Council of Sunset City hereby affirms its willingness to continue to meet all requirements set forth by the Judicial Council for continued operation of the Sunset City Justice Court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

Approved and signed this 22nd day of November, 2023.

SUNSET CITY

By: _____
D Howard Madsen, Mayor

Attest:

_____
Nicole Supp, City Recorder

COURT CERTIFICATION AFFIDAVIT

Justice Court: Sunset Justice Court.

Judge: Brian E. Brower.

Address: 200 W. 1300 N., Sunset, UT 84015.

Telephone: 801-825-3303.

Court's Website: sunset-ut.com/justice-court.

Level of Court (Circle one): I II III IV

Average Case Filings Per Month: 164.

Daily Court Hours: M-F, 9:00 am – 5:00 pm.

Number of Full-time Clerks: 1.
Hours Worked Per Week Per Clerk: 40.

Number of Part-time Clerks: 1.
Hours Worked Per Week Per Clerk: < 10.

This form is divided into two parts. Section I contains those requirements that are statutory and cannot be waived. Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Comes now Judge Brian E. Brower, Justice Court Judge for the Sunset City Justice Court_____

and, except as specifically noted below, certifies as follows:

SECTION I

THE FOLLOWING ITEMS ARE STATUTORY AND CANNOT BE WAIVED. CERTIFICATION WILL NOT BE GRANTED UNLESS EACH REQUIREMENT IS MET.

Please indicate **Yes or No** to each of the following:

1. All official court business is conducted in a public facility. Yes.

2. Court is open daily. Yes.

3. The hours of court operation are posted conspicuously. Yes.

4. The judge and the clerk attend court at regularly scheduled times based on the level of the court. Yes.

5. The judge is compensated at a fixed rate, within the statutory range. Yes.

6. The responsible governmental entity provides and compensates sufficient clerical personnel necessary to conduct the business of the court. Yes.

7. The responsible governmental entity assumes the expenses of the travel of the judge for purposes of required judicial education. Yes.

8. The responsible governmental entity assumes the expenses of the travel of each clerk for the purposes of attending training sessions conducted by the Judicial Council. Yes.

9. The responsible governmental entity provides the Court with:

   a. Sufficient prosecutorial support Yes.

   b. Funding for attorneys for indigent defendants, as appropriate Yes. However, the funding is not provided to the Court; rather, Sunset City contracts with attorneys to provide indigent defense services for defendants who qualify for those services.

   c. Sufficient local law enforcement officers to attend court as provided by statute Yes.

   d. Security for the court as provided by statute Yes.

   e. Witness and juror fees Yes.

   f. Appropriate copies of the Utah Code, the Justice Court Manual, state laws affecting local governments, local ordinances and other necessary legal reference materials Yes.

10. Fines, surcharges and assessments which are payable to the state are forwarded as required by law. Yes.

11. Court is held within the jurisdiction of the court, except as provided by law (78A-7-212). Yes.

12. All required reports and audits are filed as required by law or Rule of the Judicial Council. Yes.

13. A record of all court proceedings is maintained by an appropriate digital recording

system. _____
Yes.

SECTION II

Section II contains minimum requirements established by the Judicial Council, and those requirements may be waived or an extension granted pursuant to the procedure set forth in the Instructions to Applicant included with this Application for Recertification.

Please indicate **YES or NO** to each of the following:

1. A clerk is available each day to conduct court business, including hearings as required by the judge, for the number of hours required for the classification of the court. Yes.

2. Hours during which a clerk is available are posted on the court's website. Yes.

3. The judge is available to conduct court business as needed. Yes.

4. The judge performs all duties required and exercises ultimate responsibility for the administration of justice as an independent branch of government. Yes.

5. All court hearings are conducted in a designated courtroom, by remote transmission, or in another location authorized by the Presiding Judge. Yes.

6. Minimum furnishings in the courtroom include:

   a. Desk and chair for the judge Yes.

   b. A six-inch riser Yes.

   c. Desk and chair for the court clerk Yes.

   d. Chairs for witnesses Yes.

   e. Separate tables and appropriate chairs for plaintiffs and defendants Yes.

   f. A new Utah State flag that will be on display no later than March 9, 2024 Yes.

   g. A United States flag Yes.

   h. A separate area and chairs for at least four jurors Yes.

   i. A separate area with appropriate seating for the public Yes.

   j. An appropriate room for jury deliberations Yes.

   k. An appropriate area or room for victims and witnesses which is separate from the

public Yes.

l. A judicial robe Yes.

m. A gavel Yes.

p. Necessary forms and supplies Yes.

q. Office space for the judge Yes.

r. Office space for the court clerk Yes.

s. Secure filing cabinets Yes.

t. Appropriate office supplies Yes.

u. A cash register or secured cash box for each clerk performing cashiering duties Yes.

v. At least one computer with word processing software and internet access Yes.

w. Access to a scanner and copy machine Yes.

7. The court shall provide interpreters as required by Rule 3-306.04 of the Code of Judicial Administration. Yes.

8. Does the applicant have a law enforcement department? Yes.

9. If the applicant does not have a law enforcement department, identify the law enforcement agency which will provide law enforcement services for the applicant: N/A.

10. A court security plan has been submitted for approval as required by Rule 3-414 of the Code of Judicial Administration. Yes.

11. The court electronically reports to the Driver License Division, the Bureau of Criminal Identification and the Administrative Office of the Courts as required. Yes.

12. Clerks' education hours shall be reported to the Administrative Office of the Courts on an annual basis. Yes.

13. The appointment of the clerk(s) assigned to serve the court are subject to the judge's approval, who may participate in the interview and personnel evaluation process for the clerk(s) at his or her discretion. Yes.

14. Court staff are current with all certification requirements required by the Board of Justice Court Judges from the month after starting with the court through September 30, 2023. Yes.

15. Any interlocal agreement relating to court operations shall be submitted to the Administrative Office of the Court with the city's application for recertification. Yes.

16. The court accepts credit and debit cards through a system that integrates with CORIS. No, not currently; however, the Sunset Justice Court is already in the process of moving over to the Heartland system to facilitate better, "real-time" updating of payment data as that system does integrate with CORIS. The application has been submitted and is currently under review by Heartland. The Court intends to have that system in place ASAP.

17. The court has access to UCJIS. Yes.

18. An audio recording system that complies with the description below maintains a digital recording of all court proceedings. Yes.

For Class I and Class II justice courts, the system must:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back-up and archive the recording and enable the record to be retrieved;
- Have at least four recording channels;
- Have a one-step "on" and "off" recording function;
- Have conference monitoring of recorded audio;
- Have external record archiving from the unit with local access; and
- Be capable of being integrated with the court's public address system.

For Class III and Class IV justice courts, the system must, at a minimum:

- Be a stand-alone unit that records and audibly plays back the recording;
- Index, back up and archive the recording and enable the record to be retrieved; and
- Have at least two recording channels.

19. If the court is a **Class I** court: N/A.

20. If the court is a **Class II** court: N/A

21. If the court is a **Class III** court:

a. Trial calendar is set at least twice per month Yes—every week.

b. Court is opened (check one):

____ 61-150 average monthly filings: at least 2 hours/day
_X_ 151-200 average monthly filings: at least 3 hours/day

22. If the court is a **Class IV** court: N/A

23. **If you have responded with a "no" to any item in Section II above, you must request**

a waiver or extension below and justify that request. If waiver or extension of any requirement is requested, please specify each requirement and indicate factors which demonstrate a need for the waiver or extension. For any requested extension, please include the requested extension period. (To receive a waiver or extension of any requirement, the information requested in this section must be provided. Remember that statutory requirements cannot be waived or extended). The Sunset Justice Court respectfully requests a temporary waiver/extension for item #16 above requiring the Court to have a system for accepting credit and debit cards that integrates with CORIS. The Court is confident that it will have the Heartland system (which would meet this requirement) in place soon, as an application has already been submitted to Heartland to acquire their system and said application is currently under review by the company. The Court would be pleased to inform the Board of Justice Court Judges and the Judicial Council as soon as it has the Heartland system in place and operational for Court patrons. Recently, Sunset City experienced some problems with the company it has been using to process credit and debit card payments. The move to the Heartland system will benefit Sunset City, the Justice Court and its patrons.

I am familiar with the minimum operational standards for this court, and except as noted above, those standards are currently met or exceeded. During the current term of the court, I have met with the appropriate governing body of the city to review the budget of the court, review compliance with the minimum requirements and operational standards, and discuss other items of common concern.

DATED this _____ day of November, 2023.

_____ Judge
Brian E. Brower

I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

Executed on this _____ day of November, 2023.

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

W. SCOTT BARRETT, *1925-2009*

DAINES & JENKINS L.L.P

Attorneys at Law
108 North Main Street
Logan, Utah 84321

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

November 15, 2023

Via Electronic Mail to nsupp@sunset-ut.com

Sunset City Council
200 West 1300 North
Sunset, Utah 884015

RE: Sunset Justice Court Recertification

Dear Council Members,

As you are likely aware, the Sunset Justice Court is in the process of being recertified by the Utah Administrative Office of the Courts. As a part of that process, this opinion letter is being submitted to advise you of the requirements for the operation of the justice court and feasibility of maintaining the court.

Below are the requirements as cited by the Utah Administrative Office of the Courts on its website.

> Statutes of the State of Utah require that certain standards be met in the operation of a Justice Court. These statutory requirements include:
>
> 1. All official court business shall be conducted in a courtroom or an office located in a public facility which is conducive and appropriate to the administration of justice (78A-7-213).
>
> 2. Each court shall be opened and judicial business shall be transacted every day as provided by law (78A-7-213), although the judge is not required to be present during all hours that the court is open.
>
> 3. The hours that the court will be open shall be posted conspicuously at the court and in local public buildings (78A-7-213).
>
> 4. The judge and the clerk of the court shall attend the court at regularly scheduled times (78A-7-213).
>
> 5. The entity creating the Justice Court shall provide and compensate a judge and clerical personnel to conduct the business of the court (78A-7-206 and 78A-7-207).

6. The entity creating a Justice Court shall assume the expenses of travel, meals, and lodging for the judge of that court to attend required judicial education and training (78A-7-205).

7. The entity creating a Justice Court shall assume the cost of travel and training expenses of clerical personnel at training sessions conducted by the Judicial Council (78A-7-103).

8. The entity creating the Justice Court shall provide a sufficient staff of public prosecutors to attend the court and perform the duties of prosecution (78A-7-103).

9. The entity creating the court shall provide adequate funding for attorneys where persons are indigent as provided by law (78A-7-103).

10. The entity creating the court shall provide sufficient local law enforcement officers to attend court when required and provide security for the court (78A-7-103).

11. Witnesses and jury fees as required by law shall be paid by the entity which creates the court (10-7-76 and 17-50-319).

12. Any fine, surcharge, or assessment which is payable to the State shall be forwarded to the State as required by law (78A-7-120 and 78A-7-121).

13. Every entity creating a court shall pay the judge of that court a fixed compensation, within the range provided by statute (78A-7-206).

14. Court shall be held within the jurisdiction of the court, except as provided by law (78A-7-212).

15. The entity creating the court shall provide and keep current for the court a copy of the Utah Code, the Justice Court Manual, state laws affecting local governments, Utah Court Rules Annotated, local ordinances, and other necessary legal reference material (78A-7-103).

16. All required reports and audits shall be filed as required by law or by rule of the
Judicial Council pursuant to Section 78A-7-215.

17. All justice courts shall use a common case management system and disposition reporting system as specified by the Judicial Council (78A-7-213).

In addition to those requirements which are directly imposed by statute, section 78A-7-103 directs the Judicial Council to promulgate minimum requirements for the creation and certification of Justice Courts. Pursuant to statute, the Judicial Council has adopted the following minimum requirements:

1) That the Court be opened for at least one hour each day that the court is required to be open as provided by law. Additional hours of operation are specified in C.J.A. Rule 9-105.

2) That the judge be available to attend court and conduct court business as needed.

3) That the minimum furnishings for a courtroom include: a desk and chair for the judge (on a six inch riser), a desk and chair for the court clerk, chairs for witnesses, separate tables and appropriate chairs for plaintiffs and defendants, a Utah State flag, a United States flag, a separate area and chairs for at least four jurors, a separate area with appropriate seating for the public, an appropriate room for jury deliberations, and an appropriate area or room for victims and witnesses which is separate from the public.

4) A judicial robe, a gavel, current bail schedules, a copy of the Code of Judicial Administration, and necessary forms and supplies.

5) Office space for the judge and clerk (under certain circumstances this space may be shared, but if shared, the judge and clerk must have priority to use the space whenever needed). The office space shall include a desk for the judge and a desk for the clerk, secure filing cabinets for the judge and the clerk, a telephone for the judge and a telephone for the clerk, appropriate office supplies to conduct court business, a cash register or secured cash box, a typewriter or word processor, and access to a copy machine.

6) A clerk must be present during the time the court is open each day and during court sessions, as required by the judge.

7) The entity must have at least one peace officer (which may be contracted).

8) A court security plan must be submitted consistent with C.J.A. Rule 3-414.

9) Each court must have at least one computer with access to the internet, and appropriate software and security/encryption technology to allow for electronic reporting and access to Driver License Division and the Bureau of Criminal

Identification, as defined by the reporting and retrieval standards promulgated by the Department of Public Safety. Monthly reports must also be electronically submitted to the Administrative Office of the Courts monthly. Also note that all justice courts shall use the CORIS case management system. (78A-7-213).

10) Each court shall report required case disposition information to DLD, BCI and the Administrative Office of the Courts electronically, as described in number 9 above. (See http://www.utcourts.gov/courts/just/resources.html).

As to the feasibility of maintaining Sunset's Justice Court, I am of the opinion that the Court's continued operation is of utmost importance to the citizens of Sunset City. The infrastructure necessary to operate the Court is already in place, so financial considerations are relatively nominal. Furthermore, not only does the Sunset Justice Court provide a tie between the judicial system and the Sunset Police Department, which increases the general welfare and safety of the citizens of the City, but its location provides a great convenience for Sunset citizens to complete their business with the Court without the need outside of the City's incorporated boundaries.

Based on the foregoing, I hope I have been able to provide the Council Members with a view of the requirements necessary to operate a Justice Court within the City of Sunset. Additionally, I am of the opinion the feasibility of maintaining the Court requires relatively low financial overhead while providing significant convenience and service to the citizens of Sunset City.

Thank you for your anticipated attention to this matter. Should there be any additional questions or concerns, please do not hesitate in contacting me directly.

Sincerely,

DAINES & JENKINS, LLP

Dustin D. Ericson
Sunset City Attorney