



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, May 21, 2024 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 Carlson**
- C. APPROVAL OF MINUTES – April 2, 2024 and April 16, 2024**
- D. PUBLIC COMMENTS**

AGENDA ITEMS

- 1. Discuss Appraisals and Receive Updates from UDOT on the 1800 North Project**
- 2. Consider and Approve Resolution 2024-10 Approving the Interlocal Cooperation Agreement with Davis County for Dispatch Services**
- 3. Consider and Approve Resolution 2024-11 Approving the Local Public Safety and Firefighter Surviving Spouse Trust Fund Cost-Sharing Agreement**
- 4. Mayor, Council and Department Head Reports**
- 5. Adjourn Regular Session**

WORK SESSION

- 1. Discuss FY24 Budget Amendments**
- 2. Discuss FY25 Budget Requests**

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 – May 17, 2024

Nicole Supp, Recorder

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Minutes of a regular meeting held April 2, 2024 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor D Howard Madsen presiding.

REGULAR SESSION

Mayor and Council Present:

D Howard Madsen	Mayor
Ricky Carlson	Council Member
Nakisha Rigley	Council Member
Hope Thompson	Council Member
Scott Wiggill	Council Member

City Employees Present:

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

Excused:

Nancy Smalling	Council Member
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Others Present:

Chad Bangerter	Sunset Resident
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The regular session was called to order at 6:31 p.m. by Mayor Madsen.

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

Regular Meeting:

Approval of Vouchers: Council Member Thompson questioned how many more payments do we have left to pay Brinkerhoff Excavation. Director Monroe replied there is a retention amount we hold for a year warranty. Recorder Supp confirmed the amount of \$107,006 Council Member Wiggill made a motion to approve the voucher for Brinkerhoff Excavation for \$162,554.57 for the work completed on 1300 North and Council Member Thompson seconded the motion. The motion passed unanimously with Council Members Carlson, Rigley, Thompson and Wiggill voting yes.

Public Comments: Chad Bangerter - 104 W 2400 N - He had thanked Council for their efforts in organizing the Easter egg hunt. His only concern was at the west side of the park, nobody really seemed to know who was in charge, so he suggested assigning someone clearly in charge for next year's event. Mr. Bangerter commented on the garbage situation on Main Street, stating that while the City side always looked beautiful, the UDOT side looked terrible, as it did every spring for the 20 years he had lived there. He had heard a rumor the jail would no longer be taking care of cleaning that area. Mr. Bangerter had urged the Council and Mayor to look into another avenue to clean up the UDOT side, such as an Adopt a Highway program or reaching out to residents for assistance. He stressed the need to find a solution, as businesses would be unhappy if a wall were built there instead. Turning to the budget discussions, Mr. Bangerter had

expressed concern about a couple of items. First, he had reminded the Council the property where the billboard sign stood was purchased with Economic Development funds, so any revenue from that property should realistically go back into the Economic Development fund. He had stated if the Council or Mayor decided to move those funds elsewhere; a public hearing would be required. Mr. Bangerter clarified the revenue from the billboard itself, around \$15,000 per year, went into the Public Works fund for parks and recreation, which was separate from the Economic Development funds used to purchase the property. He voiced concern over comments about having "free money" to purchase certain items, emphasizing the City never had free money, as it all came from taxpayers. Mr. Bangerter urged the Council to use those funds sparingly, budget for intended uses transparently, and only purchase items as funds allowed. Mayor Madsen had interjected, referring to it as "unallocated money." Mr. Bangerter had expressed concern over a comment about the Mayor and Council needing raises, stating firmly they were volunteers who ran for office to serve, not get paid. He had never wanted money for the 16 years he served the City and urged them to use the funds they received sparingly and properly. Acknowledging the challenges of inflation driving costs up 20-40% nationally for a City with medium incomes, Mr. Bangerter stressed being mindful during budgeting. He had advocated budgeting for needs first, trying to cover those expenses, and not assuming there would be extra money later. Another concern for Mr. Bangerter was from what he had heard; there were no employee cost-of-living adjustments (COLAs) included in the initial budget draft. He had urged putting employee COLAs in first and then potentially cutting them later if needed, rather than waiting until the end and hoping for leftover money, as there was never extra money available. Mr. Bangerter had thanked the Council for their time and consideration of his input.

1. Discuss and Approve, if Necessary City Funds from Sale of Billboard Property: Mayor Madsen asked for discussion and possible approval for City funds from the sale of the billboard property to be used. The funds had come from the Redevelopment Authority (RDA) fund. Mayor Madsen stated the Council had a list of needed tasks and projects that were never done due to tight funds. His personal goals included improving Central Park by adding rock features, replacing the removed large toy area, and potentially upgrading security cameras and door access. For the Veteran's Memorial Park project previously approved, Mayor Madsen wanted to complete it by adding the planned 24x24 foot bowery (around \$40,000) and benches. The scorekeepers' nest removal bid was \$20,000. He also felt the skate park, needed updates and safety checks after being overlooked recently. Mayor Madsen wanted to discuss priorities, get public input at a future meeting, and then make decisions. He asked Council Members for their thoughts. Council Member Thompson firmly stated they should not spend any money on "wants" or non-essential items at this time. being over budget already requiring cuts, he questioned why they would consider additional unnecessary projects. She had listed the total \$194,291.52 plus taxes/fees for the proposed bowery, demolitions, playground equipment, benches, camera system, door access, and large toy. Council Member Thompson felt spending \$200,000 on wants seemed excessive when there were many areas in disrepair that should be prioritized first. She had shared photos of issues like fences falling, broken park benches/tables, graffiti, potential mold, and other areas needing attention before new additions. Mayor Madsen countered by saying the children needed a place to play, so replacing the playground equipment was reasonable if affordable. The previously approved Veteran's Park plan included the bowery and benches once funded. The scorekeepers' nest removal was a need, and the skate park was a potential safety issue requiring

updates. Mayor Madsen had stated the only debatable items were additional rocks or an elaborate new large toy area, acknowledging a smaller swing set or simple structure could suffice instead of an expensive option. Council Member Thompson had argued the original vision for the Veteran's Memorial Park was a reflective, quiet space, not for parties and gatherings, questioning why a bowery encouraging that use was needed. On security cameras, she felt the existing working system should be repaired to regain access if paid for, rather than replacing it currently. Door access fobs were unnecessary when keys functioned properly. Regarding playgrounds, Council Member Thompson agreed the scorekeepers' nest demolition was the only item she considered a need versus a want currently, stating more rocks were not needed. Mayor Madsen asked other Council Members for their perspectives. Council Member Rigley agreed some items felt more like wants than needs but supported improving existing features like deteriorating benches at main parks before adding new amenities. Council Member Wiggill acknowledged not everyone would agree on priorities. Decisions would be made by majority Council vote after public discussion and input. He had clarified issues like graffiti; benches, etc. were handled through regular maintenance budgets, separate from these one-time project funds. Regarding the Rachel Runyan Park, Council Member Wiggill stated the City did not own all elements like her personal headstone bench, which her family raised funds to maintain. However, the City was responsible for repairing other infrastructure in the park. The discussion was centered around prioritizing funding allocation - whether to use the one-time funds for new additions and upgrades, or first address deferred maintenance and safety needs before considering enhancements. More public input and Council deliberation was expected before final decisions. Council Member Carlson provided his input; his initial reaction was to remove the kid's toy item from the list. He had also suggested potentially waiting another year for the scorekeepers' nest removal, as it wasn't hurting anything by staying there for now. Council Member Carlson stated he wished they had requested the School District leave the structure during their demolition. Director Monroe confirmed trying for months to get that pushed through, and others could attest to his efforts in that regard. Council Member Carlson had asked what was wrong with the current skate park facilities. Mayor Madsen had reiterated his belief that the skate park needed upgrades or at least verification that it was in good, safe condition. Council Member Rigley had mentioned receiving an email about someone discussing upgrading the skate park. He suggested looking into the cost of making ramp additions, as the email mentioned pricing for that. Council Member Carlson had suggested they should wait and see what Clearfield City did with their skate park renovations before considering Sunset's options. Council Member Rigley praised Clearfield's approach of surveying residents about what features they wanted to see in the skate park, as the actual users would know best. She had wondered if Sunset could adopt a similar process to get citizen input and make them feel more involved, especially for amenities they utilized. Council Member Thompson stated the skate park was in good condition currently based on her visits over the past couple of days. She acknowledged it was small but fitting for Sunset's size as a smaller City. Council Member Wiggill noted the original concern seemed to be about safety. If people had assessed the park as safe, then they were likely good for now. However, he stated the idea behind this discussion was to ensure it was still being checked and confirmed as safe moving forward. He had also mentioned an upcoming beautification project in the park. Council Member Rigley had asked the Council Members if they had any suggestions for helping the skate park look nicer, as kids were doing a clean-up event. She proposed the idea of letting people paint designs or a mural along the wooden sides of the ramps. Council Member Wiggill expressed

concern that some people may view that as graffiti and be upset about it, recalling significant negativity toward the skate park initially until efforts were made to keep it extremely neutral to avoid conflicts. Council Member Rigley disagreed with defining geometric color chunk designs as graffiti, seeing it as more of a community mural to give people ownership and personalize the space. Council Member Thompson agreed with Council Member Rigley's idea, stating they had done something similar with murals in Ogden without issues like gang tagging arising. Mr. Bangerter, a resident, interjected that gang tagging had occurred three times over the past 12 years at the skate park. With the discussion diverging, Council Member Wiggill stated based on the conversation, he didn't feel they could move forward approving any use of the funds that evening. He suggested either continuing the discussion over email with everyone's input or tabling it for the night due to the significant gap in perspectives on how to proceed. Mayor Madsen reiterated the scorekeepers' nest removal seemed to be the only imperative item to address. Council Member Wiggill proposed rather than using the property sale funds, the money for that scorekeepers' nest removal should actually come from the 1800 North project funds, as it seemed directly tied to the park redevelopment occurring as part of that 1800 North construction project. Mayor Madsen then requested everyone's opinion specifically about including benches for the Veteran's Memorial Park in the expenditures. Mayor Madsen mentioned the most frequent complaint she received by far was about when the Veteran's Memorial Park would be finished and when benches would be installed for visitors. Council Member Rigley stated she remembered the intention being for that park to be a quiet place of reflection, so she was unsure about a playground element being appropriate, though benches could potentially fit that vision. She clarified tables were intended for people to sit down and eat lunch, so it would not be a party place per se. Council Member Thompson said she would be okay with including benches and chairs in the park, but not constructing the bowery. Council Member Thompson stated she did not believe the bowery was ever actually included in the original plans. Council Member Carlson disagreed, stating the large concrete slab was intended for the bowery, which had always been part of the plan. Council Member Wiggill confirmed the concrete pad, bowery, walkway, bushes, and overall landscaping were all part of the Veteran's Park original approved design from the start. Mayor Madsen asked if anyone was against taking care of the Veteran's Park components and scorekeepers' nest removal needs. Council Member Thompson had stated he was against including the Veteran's Park items on the funding list currently. Council Member Carlson suggested waiting until after the full budget meetings to better assess funding availability. Council Member Thompson reaffirmed her answer was no on the Veteran's Park expenditures for now. Council Member Rigley said she was fine with including the Veteran's Park. Mayor Madsen proposed moving on for now and finding a way to get everyone's view, including the absent Council Member Smalling, before making a decision.

2. Mayor, Council and Department Head Reports: Mayor Madsen commended the successful Easter egg hunt despite the heavy rain. He had been informed the sewer and fire districts were expecting to raise their rates, though unknown amounts yet, which may require adjusting the City's rates. Council Member Wiggill thanked Council Member Rigley for a great job presenting the event. He praised the Public Works team's efforts and stated they would incorporate feedback from the resident's comments earlier for improvements next year. Despite the cold, rainy conditions, Council Member Wiggill felt it was an overall very successful event with kids leaving happy. He appreciated no negative feedback about the weather impact. Council

Member Wiggill thanked North Davis Fire District for their participation and providing medical staff on-site for safety. At the recent Fire District meeting, there had been discussion about personnel pay raises needed to keep up with inflation, and a proposed budget would be presented at the next meeting in two weeks. According to the Fire Chief, it had been a relatively slow month for Sunset in March with only 25 calls, 21 medical and 4 fire calls. The nice weather may have prevented typical slips and falls. Council Member Wiggill thanked the Police Department and Judy the Secretary for consistently providing thorough reports before meetings. He appreciated how it showed Officers were keeping streets safe with recent traffic stops.

Council Member Rigley thanked everyone involved in the Easter egg hunt event's success and for letting her play the bunny role, which was very fun seeing the kids' excitement despite the cold, wet conditions. Council Member Rigley had given a shout out to the Youth Council members who braved the weather to help set up eggs. Council Member Rigley stated she would attend a recycling program city information session on April 10-11 at Wasatch Integrated to get more information on the recent recycling mandate. She also had an upcoming committee meeting soon, though the board meeting was not until May. On the skate park discussion, Council Member Rigley agreed to skip painting if it raised too many concerns about encouraging more graffiti, though it saddened her.

Council Member Thompson had no reports to add.

Council Member Carlson had reminded everyone about the upcoming Planning Commission meeting on April 11th at 6:30 pm.

Mayor Madsen informed Council he had upcoming conferences to attend as well; the Utah League of Cities and Towns conference is the third week of April, which Council Member Carlson and Thompson would join. The Sewer District's Conference would be the following week.

Council Member Rigley had one final item, she had been researching alternative entertainment options to fireworks for Fun Days and wanted to share one of the ideas she had received quotes from. She described contracting circus performers who could provide an acrobatics, fire dancing and juggling show as the evening finale instead of fireworks. Council Member Rigley stated she would email the specific price quotes to everyone.

Recorder Supp informed everyone the City marquee software required replacing an outdated adapter before being able to provide updated messaging again, which was why all marquee information appeared outdated currently.

Council Member Carlson made a motion to move into the Work Session with a five minute break and Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Carlson, Rigley, Thompson and Wiggill voting yes.

WORK SESSION

1. Discuss FY24 Budget Amendments: Recorder Supp informed everyone the budget information she had previously sent on Friday needed to be disregarded, as she had made mistakes. However, she had spoken with the auditors multiple times that day to correctly understand how to handle the transfer from the general fund surplus to the next budget year, which she had not known how to do properly before. Starting with general revenues, she had updated any revenue amounts that were coming in higher than projected so far, such as delinquent property taxes, business licenses, building permits, and a few other minor adjustments based on current income trends. She had noted that some line items, like the final Davis School District payment, were final amounts that would not change further.

For General fund expenditures, Recorder Supp stated she had kept the core budget line items like part-time salaries, prosecution, and defense the same. The admin audit amount matched the set contracted price since that work was complete. She set the overtime budget exactly at the current spent amount since the major overtime for Fun Days was already accounted for and unlikely to increase further. Planning and zoning budgets were kept the same, though she had slightly increased the building inspection budget to \$1,000 to ensure it did not get exceeded due to the high volume of permits. The key change was in the non-departmental section related to the fund balance transfer. Recorder Supp had used a \$1 million transfer amount to get the ending fund balance down to 32.83% of expenditures, which fell under the 35% state statute limit. She had aimed below 35% since the previous year they were over that range. The plan was to transfer that \$1 million into the capital projects fund in anticipation of increased expenses for the 1300 North project and upcoming 1800 North road work. Recorder Supp asked if the Council wanted to apply the money from 1913 rental home sell to the current year's budget, or budget it for payment in the next fiscal year instead. Council Members Carlson and Rigley agreed since the payment was due in June before the new fiscal year started, it should be budgeted and paid in the current year to avoid rolling it over. A few expense accounts like natural gas and telephones had required minor adjustments for increased utility costs. For the Police Department budget, Recorder Supp stated Chief Jamison had already adjusted his accounts down as low as feasible to stay under budget. Director Monroe had confirmed his public works operational budgets were trending slightly under across most line items except for some small overage projections in overtime, building utilities, and the city shop telephone/utilities. The Recreation fund overtime had been bumped up by \$1,000, while other recreation line items matched the previous budget. With the \$1 million fund balance transfer, the ending General fund surplus was shown as 32.83% of the total budget, just under the statutory limit.

Moving to the Utility funds, Recorder Supp had adjusted any revenue accounts that showed higher income like water meter fees. She adjusted the Davis Sewer District fees based on updated numbers from them. On the expenditure side, she had made minor adjustments like reducing the office supplies budget and increasing the equipment maintenance line item to account for some higher transition costs during the utilities software system change. Overtime budgets were adjusted based on current spent amounts. Non-departmental telephone and gas/oil budgets increased slightly to cover rising utility costs. For other utility fund areas like roads, dispatch fees, liquor control, etc. no major adjustments were made from the previous draft versions presented. In the Public Works Capital Projects fund,

Recorder Supp highlighted the \$1 million transfer in from the General fund showing up under contribution from the General fund revenues. The \$373,353 amount under sale of equipment/buildings/land was the proceeds from selling the 1913 rental home property, which was originally purchased using Public Works Capital Project funds related to the 1800 North project. Under the Economic Development fund, Recorder Supp stated the \$224,438 was the net proceeds from the sale of the billboard property. The auditor had instructed her to book the full \$153,569.30 purchase price initially as a property held for resale, then transfer the net sale amount after that into the RDA fund based on specific accounting requirements. Despite expenditures exceeding revenues in the General fund by \$203,325, the budget balanced overall, including all transfers. Recorder Supp had asked if anyone had any remaining questions on the updated budget drafts for further discussion.

2. Discuss FY25 Budget Requests: Recorder Supp explained the changes made to the requested FY 2025 budget, including increasing the police report fee revenue projection by \$2,200 to account for a potential rate increase to \$25 per report. Recorder Supp continued reviewing the other budget areas; Court, Prosecution, Administration, Planning and Building with no changes. For planning services, she proposed budgeting \$50,000 based on Jason's recommendation to potentially put those services out to bid, with two firms having expressed interest. Recorder Supp noted the CityInspect annual fee line item covered the building permit software program. For Non-Departmental funds, Recorder Supp stated no changes were made. She asked about the annual \$1,000 budgeted donations, which currently went to the Hill Air Force Base Top of Utah Military Affairs Committee (for the air show), Hill Air Force Base's non-airshow committee, Northridge High graduation party, Sunset Jr High Red Ribbon Week 5k, and the Utah Honor Flight. A new \$500 donation request had been received from the Illumination planning committee for their September event. After some discussion around whether other cities were being asked for the same \$500 amount, Council Members Carlson and Rigley suggested providing Illumination the standard \$200 donation amount given to other organizations to maintain consistency with the City's donation policy. Recorder Supp asked if they were adding the \$200 to make the total donation budget \$1,200 or removing one of the other recipients to keep it at \$1,000. Council Member Wiggill stated if they added Illumination at \$200, they would need to increase the overall donation budget amount. Council Member Rigley and Recorder Supp discussed the City typically only provides budgeted donations if organizations directly request them. Council Member Rigley recalled a previous instance where the Boy Scouts asked but were denied since they weren't included in the approved list.

Regarding the Police budget, Chief Jamison explained not much had changed besides wage increases for the new crossing guards and an additional \$2,700 for a new Spillman user fee. He provided an update that Clinton supported sharing a part time Victim Advocate position but Syracuse did not, so the amount could be lowered. However, the Victim Advocate requested each agency chip in \$500 for training, which Chief Jamison felt was fair. For Police vehicles, Chief Jamison suggested going with the two or three-year lease/purchase option from their current company versus paying the full \$60,000 upfront cost. This would allow them to get back on track to replacing one vehicle per year on an eight-year rotation cycle. Council Member Thompson asked for clarification with the three-year option, would

they be able to restart annual replacements in three years. Jamison explained that by making the final payment on the first leased vehicle in August, they would own it outright. So the following year budgeting the lower \$23,000-\$24,000 for another new vehicle would be possible, rather than \$60,000. Chief Jamison noted the lease payments were higher than \$60,000 due to interest but spread the cost out over multiple years to smooth the budget hit. Council Member Carlson expressed interest in potentially just paying off the Police vehicle upfront rather than a lease option if they could revisit that idea later. He questioned if an eight-year rotation for vehicle replacements seemed too long. Chief Jamison explained that while it may seem long, they have a 2016 Charger still in service that may last a couple more good years. He felt an eight-year rotation was doable based on how well they maintain the vehicles. Council Member Carlson asked about the typical sweet spot before maintenance costs really increase. Chief Jamison noted they had already seen that issue the prior year with the older high-mileage vehicles requiring much more maintenance and repairs, significantly impacting that year's budget. He explained this year's budget was lower since most of the fleet was under warranty only requiring basic maintenance.

Director Monroe stated there were no changes to the Streets budget from the previous discussion. Council Member Thompson verified the "asphalt zipper" line item referred to the equipment that grinds up road surfaces for repaving projects to reuse that material as a base layer. Council Member Thompson also confirmed the \$60,000 3/4 ton pickup truck replacement line item. Director Monroe clarified that was meant for a 1 ton truck with a utility bed to replace an older truck, with \$15,000 coming from the Storm water fund. For Buildings and Grounds, Director Monroe explained the entrance for the Sunset room repair was budgeted for half the cost, with funds being allocated going towards the camera system installation the access door install - both being pro-active projects. The Parks budget remained unchanged. Recorder Supp asked if they wanted to discuss potential lighting at South Park. Council Member Carlson had previously brought this up, stating he would like lighting for security purposes since it gets so dark there, not necessarily to allow later use of the park. Director Monroe said park closures are set at dusk or 10pm generally to prevent people hanging around. Council Member Carlson clarified he wasn't asking for lighting that would enable later use, just for security and visibility. Council Member Rigley asked Chief Jamison if he had noticed any particular incidents at the park due to the lack of lighting that caused concerns. Chief Jamison did not indicate any significant issues. When discussing potential lighting options, Director Monroe estimated each light pole could potentially cost around \$10,000 to install due to trenching requirements and upgrading electrical infrastructure. Council Member Thompson asked if the existing pole lights at Rachel Runyan Park were operational. Council Member Carlson and Rigley clarified there are no poles actually around the walking track itself, just some near the parking lot and tennis courts. Council Member Carlson adjusted his request to just having some lighting around the walking track loop, not necessarily lining the whole area with poles. Council Member Rigley suggested using inexpensive solar lights as a potential option. Director Monroe warned that solar lights would likely get vandalized and need frequent replacement based on past experience in city parks. The discussion concluded without a firm decision on lighting at this point. Council Member Carlson agreed staked path lighting could work but saw there did not seem to be overall support for pursuing a lighting project at South Park currently. Recorder

Supp asked if they wanted her to remove the lighting line item from the budget to avoid discussing it further or leave a \$0 amount in case they wanted to revisit it with pricing options later. Council Member Carlson preferred leaving it in to allow bringing back potential lighting costs and options for further consideration. In the parks equipment budget, Council Member Thompson verified the \$33,000 item was for a replacement mower attachment for the tractor that handles multiple grooming tasks. Director Monroe confirmed it had about eight different attachments, with this covering the mower deck, sander, and salt drop spreader attachments. He explained this equipment related to maintain the additional 2+ miles of 12-foot sidewalks coming with the new UDOT project. Council Member Carlson asked if they currently only had one tractor, to which Director Monroe replied he would likely need to request another full-time employee as well to properly clear that many miles of sidewalks within the 24-hour mandate while also plowing roads with the current five-person crew. This budget item was pre-emptive rather than waiting and requesting \$60,000 for a new employee and equipment later. Council Member Thompson recommended cutting the \$33,000 attachment for now based on her opinion. Council Member Rigley noted they still had three other mowers but asked if they were voting specifically to cut that line item, which some Council Members felt they should leave in based on Director Monroe's justification for future needs.

For the Utility funds, Recorder Supp explained the miscellaneous income line comprised all the water fees, late fees, etc. She noted Weber Basin was raising rates by \$70,000 this year, ACE was increasing garbage rates varying amounts across residential and commercial sectors, and the recycling program changes were also an unknown cost factor. ACE's new residential rates effective July 1st included a \$0.16 increase for the basic black can, \$0.06 more for extra cans, \$0.17 for recycling cans, \$0.17 for green waste cans, and \$0.16 for commercial cans. The City facilities collection rate went up 3.3% to \$221. Considering the anticipated \$215,000 total increase to water rates from Weber Basin through 2028 (\$70,000 per year), Recorder Supp asked if the Council wanted to pass that full \$70,000 increase to residents this year or do a smaller incremental rate bump to start building up funds gradually before hitting residents with huge increases down the line. For the garbage rates, she recommended just passing through ACE's rate increases directly to residents each year. Recorder Supp asked for the Council's thoughts on these utility rate change approaches. Director Monroe cautioned that absorbing any of the Weber Basin increases would quickly deplete the Utility fund reserves, as the City was already spending \$200,000 annually on meter replacements as well. Council Member Wiggill felt it would be difficult to raise rates now based on projections rather than actual increased costs yet. While acknowledging the garbage rate was a direct pass-through, he preferred incremental water rate increases over one huge jump. Council Member Carlson agreed they were already tight on funds in that area. Council Members Rigley and Wiggill favored splitting the anticipated total into gradual annual increases spread over the next few years to make it more palatable for residents. Director Monroe clarified that the \$215,000 equated to \$70,000 annual increases for the next three budget years based on Weber Basin's forecasts of what they would charge the City. Council Members Wiggill and Rigley stated spreading \$70,000 per year over smaller quarterly or monthly increments would be easier for residents than seeing their total bill jump all at once, even if it achieved the same total increase over the three-year period. The Council

discussed the philosophical merits of implementing incremental increases to keep up with rising expenses and being transparent about the need. Their goal was to find the fairest approach for residents through either incremental or larger one-time increases. Director Monroe proposed an approach where they budget for the full \$215,000 water rate increase from Weber Basin this year by raising resident rates around \$11 per month. That way, rates could stay flat until 2028 when they would likely need to revisit increases again, rather than implementing \$20,000-\$30,000 incremental increases every year. Council Member Rigley liked that idea to avoid yearly increases that would frustrate residents. Council Member Wiggill felt this year presented an inopportune time to absorb a larger increase given the overall high inflationary environment impacting other utility costs as well. Chief Jamison agreed that major water increases seemed to hit every year, so residents may be more understanding this year amidst compounding price escalations across the board. Council Members Rigley and Wiggill expressed being helped by seeing the actual numbers the City needed to cover costs from Weber Basin and other utilities like the fire district. They preferred implementing transparent increases to ensure revenue matched expenses over time. Recorder Supp reminded the Council had previously approved a \$0.30 Storm water fee increase. Estimating the \$215,000 spread across 1,650 residential units, Director Monroe calculated it would be around \$10-11 per month per household for the water increase alone, not including commercial accounts. Director Monroe and Council Member Carlson agreed the City should evaluate the tier structure for water consumption, especially since the new digital meters can track low flows better than old meters with moving parts. He expected many residents' bills to increase once the new meters were fully installed and capturing consumption more accurately. The new meters would go even further by providing residents access to a portal to monitor their real-time gallon usage, avoiding surprise high bills. He found most customers actually use less than the base 10,000 gallon inclusion amount. He noted the state would start requiring municipalities to have more conservative water rates and tiers to qualify for grants. With new higher-density housing projects coming, it made sense to review the rate model, though Director Monroe recommended waiting until next year's budget to implement any tier pricing changes. Council Member Wiggill wanted to confirm their options were passing the full water increase to residents this year in one bump of \$11, or implementing incremental increases over multiple years. Council Member Carlson stated his current total bill with all three garbage can sizes was \$97. Recorder Supp clarified the current base residential rate was just \$83.86 before any of the discussed increases. Council Member Thompson estimated if they implemented the full \$11 water, \$0.30 storm water, \$0.16 ACE can, and unknown recycling fees, the total could increase around \$10 for the base services. The Council discussed the potential timing and logistics around rolling out carts for the mandatory recycling program starting January 1st. Director Monroe asked if they truly needed to provide cans to all 1,400 households immediately on January 1st, or if they could start with just providing carts to those requesting them initially. Recorder Supp worried ACE may require the City to have carts ready for every household if they started charging the fees on January 1st, similar to residents choosing not to use the existing recycling bins. Recorder Supp confirmed the plan was to increase rates on July 1st by \$11 for water, \$0.30 for storm water, and \$0.16 to pass through ACE's garbage can rate hike. This would make the new base rate \$98.29 until January 1st when recycling fees began. Council Member Rigley said

Wasatch Integrated mentioned potential grants to help cover cart costs for cities. She expressed willingness to convey the Council's concerns about affordability to the board.

For the Utilities budget, Director Monroe provided some clarification on a few line items related to equipment replacements and the sewer camera vehicle purchase. Specifically, Director Monroe explained that \$33,000 covered 1/5th of the cost for a new work truck to be split across funds. He had been working with Clinton City to potentially purchase their old ambulance vehicle that he had previously converted into a sewer camera truck for them at a cost of around \$30,000. However, a new full camera vehicle system would cost closer to \$100,000. Council Member Thompson asked how frequently they actually utilized the sewer camera services, noting a separate \$15,000 line item for contracted video inspection every three years. Council Member Thompson questioned if owning the \$150,000 camera truck made sense for such infrequent use. Director Monroe said in addition to sewer line inspections every three years, the camera truck allows inspecting storm water pipes which they had never done before. However, he acknowledged requesting this equipment for 11 straight years without success. For Buildings and Grounds, \$15,000 covered engineering to repair the bridge to the Sunset room, with another \$40,000 estimated for half the replacement costs at the entrance. \$2,775 was budgeted for half the cost of a new camera system installation and \$6,870 for half the cost of a new access door install. Council Member Thompson wanted to clarify the costs for the different sub-projects under this category, as she fully agreed with repairing/replacing the entrance, but felt some projects like the Christmas lights were pre-emptive and could be deferred based on previous conversations. No changes were made to the City Shops budget. In the Storm water fund, the other half of the sewer camera truck was budgeted at \$92,790, along with a new truck to replace an old bobtail truck. Council Member Thompson asked what issue they were having with the current bobtail truck. Director Monroe responded that it was costing around \$18,000 per year just to maintain due to its age and condition. Council Member Thompson verified the large plow truck Director Monroe had mentioned was their regular snow plow vehicle. Director Monroe stated he was open to potentially purchasing a smaller 4500 series truck that did not require a commercial driver's license (CDL) to operate, similar to another truck they had. However, he noted those smaller trucks experience much more wear and tear compared to the larger bobtail style truck. Council Member Thompson asked how many of Director Monroe's crew currently had CDLs. Monroe responded that having a CDL was a requirement to work for the City's Public Works department. He had considered moving away from that requirement, but anytime they pulled a trailer with equipment like the mini-excavator, it pushed them back into the CDL classification. No changes were made to the Animal Control budget, as Recorder Supp had not received any notification of rate increases from the provider. For Emergency Preparedness, the Council confirmed keeping that budget at \$5,000 as previously agreed. Recorder Supp clarified she had included details on the "bola wrap" restraint, in the Liquor Control fund.

Turning to the Youth Council budget, Recorder Supp stated she had updated the \$2,500 amount for travel/training based on their previous directive, but wasn't sure if the initial \$1,500 supply request amount was intended to change as well. After some back-and-forth recollections, the Council agreed to keep the total youth council budget at \$3,000 - allocating

\$2,500 for travel/training and \$500 for supplies like event materials. Council Member Rigley noted they tended to utilize more for supplies than travel. Recorder Supp asked if the Council wanted to continue contributing \$5,000 to build up the Insurance Premium reserve fund as they had in past years. Recorder Supp mentioned they may need to revisit some budget areas once they received final notice on any changes to the County's Highway Transit tax revenue disbursements to the City. Discussing the sidewalk repair line item, Council Member Thompson asked if that referred to repairing any currently damaged sidewalks or was for future projects. Director Monroe clarified it was an ongoing annual budget for fixing trip hazards as they arise, separate from the larger 1300 North project funding sources. This also included installing crosswalk lights for the new school crossing guard positions. For Public Works Capital Projects, the only current revenue source was billboard lease income. On the expenditure side, \$660,000 was budgeted to cover engineering, design, and other fees for the UDOT project and replacing the Sunset room stairs. Director Monroe explained that 50% came from the Public Works Capital Project fund, with the other 50% split between the Buildings and Grounds and Utility funds. The \$60,000 allocation covered general engineering review costs for all City projects, with a portion reimbursed by developers for time spent reviewing their plans. In Economic Development, Recorder Supp included the typical \$500 budget amount. Council discussed the State statute percentages and agreed around 25% is where they felt was ideal. The Council discussed budgeting for employee compensation; Recorder Supp explained a 5% salary increase for all employees was already accounted for in the budget, which was lower than last year's 6% increase after discussing it with Mayor Madsen. Council asked for more guidance on budget transfers before making any harsh decisions. Mayor Madsen reinforced while council members have their own feelings, they must represent all citizens' - kids wanting park spaces, veterans wanting walking trails, etc. They owed it to residents to provide such amenities. Council decided to reconvene at the next meeting with additional information.

Council Member Wiggill made a motion to adjourn the Work Session and go back into the Regular Session and adjourn. Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Carlson, Rigley, Thompson and Wiggill voting yes.

The meeting adjourned at 9:21 p.m.

Approved – May 21, 2024

Scott Wiggill, Mayor Pro Tem

Nicole Supp, Recorder

Minutes of a regular meeting held April 16, 2024 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Pro Tem Wiggill presiding.

REGULAR SESSION

Mayor and Council Present:

Scott Wiggill
Ricky Carlson
Nancy Smalling
Hope Thompson

Mayor Pro Tem
Council Member
Council Member
Council Member

City Employees Present:

Recorder Supp
Jason Monroe
Brett Jamison

Recorder
Public Works Director
Police Chief

Others Present:

Valerie Claussen
Fred Turnier

Planning Outpost
Planning Outpost

Excused:

D Howard Madsen
Nakisha Rigley

Mayor
Council Member

The regular session was called to order at 6:37 p.m. by Mayor Pro Tem Wiggill.

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

PUBLIC HEARING

Council Member Carlson made a motion to move into a Public Hearing and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Carlson, Smalling and Thompson voting yes.

D. Public Hearing to Solicit Input from Sunset City Residents In Regards to the Updates to Title 11 Subdivision Regulations Per Senate Bill 174: There were no comments.

Council Member Carlson made a motion to move out of the Public Hearing and into the regular session and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Carlson, Smalling and Thompson voting yes.

Regular Meeting

Public Comments: There were no comments.

1. Consider and Approve Ordinance 2024-01 Updating Title 11 Subdivision Regulations

Per Senate Bill 174: Fred Turnier thanked Council and provided some initial context, stating he would give an overview of the ordinance, the process undertaken to draft it, and some highlights.

He then introduced his colleague Valerie Claussen of Planning Outpost to also provide an introduction. Mr. Turnier shared his professional background, which included 27 years of public and private sector experience working with local governments on planning and development matters. He had held titles such as city manager, community development director, and city planner. Ms. Claussen provided her background, stating she had worked with Mr. Turnier for 15 years. She had experience in the public sector as an assistant city administrator and city planner. After working for a private law firm, she started her own local planning consulting firm, Planning Outpost, a few years prior to assist communities in Utah with their planning needs. Mr. Turnier explained that the City had retained Planning Outpost to assist with updating the subdivision code in accordance with Senate Bill 174 and the subsequent House Bill 476 which passed at the end of the legislative session in February 2024.

Mr. Turnier outlined the approach they took, which involved comparing the City's existing code to the new state laws, identifying gaps, developing policy considerations, designating administrative authorities for preliminary and final plat approvals, and ultimately drafting the revised subdivision ordinance. Some key policy considerations discussed with staff included designating the Planning Commission as the approval authority for preliminary plats, implementing a completeness determination process before starting plan review timelines, quantifying allowable review cycles as 15 business days for preliminary plats and two 20-day cycles for final plats, and establishing an appeals process for disagreements between City and developer engineers. Mr. Turnier emphasized that the appeals process fee would be split 50/50 between the City and applicant, though he did not anticipate this occurring frequently in reality. He clarified the Planning Commission would approve preliminary plats while the Public Works Director or designee would be the approval authority for final, technical plats. Council Member Thompson asked if it was common for Planning Commissions to approve preliminary plats and Public Works Directors to approve final plats. Mr. Turnier confirmed this was generally considered a best practice, with the state law allowing cities to make those designations. Council Member Thompson also inquired about the 50/50 cost split for appeals, and Mr. Turnier stated this was a new provision for subdivision appeals copied from another section of state code related to building permits. Mr. Turnier outlined the next steps would be for the Council to adopt the revised subdivision ordinance after which it would go through the codification process before taking effect, which Recorder Supp stated was typically a 10-day period.

Council Member Thompson made a motion to approve Ordinance 2024-01 Updating Title 11 Subdivision Regulations per Senate Bill 174 and Council Member Smalling seconded the motion. The motion passed unanimously with a roll call vote from Council Members Carlson, Smalling and Thompson voting yes.

2. Mayor, Council and Department Head Reports: Council Member Carlson stated he attended the Planning Commission meeting earlier where this subdivision ordinance update was discussed, appreciating their help in learning about the revisions. He had nothing further to report.

Council Member Thompson mentioned the car show representatives wanted to know how much park space they could take for Fun Days. She also had a couple items related to the city's

beautification efforts that community members reached out to her about. Specifically, a resident asked when the City would repair and re-sod the area around the eagle statue in front of City Hall. Director Monroe explained that it takes time to acquire sod, but if needed they may use seed instead of sod. Council Member Thompson asked was how often the bathrooms at the parks are cleaned. Director Monroe stated they are cleaned every morning. Council Member Thompson relayed a resident emailed Beverly Mcfarlane about the frequent dog waste issues at John G. White Park, despite it not being a dog park. The resident felt there was so much waste on the grass that it was hard to avoid stepping in it and asked what could be done. Director Monroe stated the Council would need to either change the law to allow dogs and provide waste bags, or reinforce the no-dog rule at that park. However, it is difficult to constantly enforce. Council Members Smalling and Thompson discussed the challenges of adequate enforcement of rules like that. Council Member Thompson reported her efforts to get the area along I-15 cleaned up. The sheriff's office stated their inmate work program recommended contacting UDOT since it is their property along the highway. Council Member Thompson expressed she put in requests with UDOT to have them coordinate a cleanup but had not received a response yet. The Council Members discussed UDOT's typical stance, which is that they rarely do cleanups along highways in urban areas due to safety concerns and instead focus on rural highways. Council Member Smalling wanted to make it clear for the record that the area along I-15 within Sunset City limits on the west side of the fence looked well-maintained by City crews. The concerns were for the state-maintained east side of the fence line. Lastly, Council Member Thompson reported on recent vandalism at bathroom facilities in Central Park and John G. White Park. There was tagging, etching into mirrors, and general damage that had gone unaddressed for a couple days. Director Monroe expressed frustration, stating if the issue persists, he may recommend closing the bathrooms full-time until the public learns to respect the facilities. He said his crew cleans the bathrooms once per day in the morning, but they cannot control people vandalizing them right after cleaning. The bathrooms are locked overnight and typically opened around 8:30am and closed sometime in the evening as police officer availability allows. Director Monroe acknowledged it is an imperfect system. He provided the example of recently having to replace a \$500 steel door at John G. White Park after it was kicked in and destroyed by vandals. Both he and the Council Members lamented the lack of respect for public property and agreed it is frustrating to see taxpayer money wasted on repairing vandalism. Council Member Thompson brought up a topic related to beautification efforts. She mentioned the City had discussed park hours and posting them previously, but only the skate park currently had signage indicating it is open from daylight to dusk. Council Member Thompson wondered how the council felt about installing similar signage at all parks stating the hours. Council Member Smalling thought there used to be a sign at Central Park with the hours but was unsure if it was removed or just not put back up yet for the new season. Director Monroe said he could have signs made and installed at all parks within two weeks if the Council desired. Council Member Thompson explained her reason for bringing it up was that many people online claimed to be unaware of the park hours, saying signage at the parks themselves would be helpful notice. Council Member Smalling noted that the hours were also posted on the City's website. Director Monroe said he did not have an issue with people being in the parks and was willing to install signs per the Council's preference.

Council Member Smalling provided her report on the Mosquito Abatement program's preparations for the upcoming season. She paraphrased the department is working with

Colorado, Texas and other organizations on a study to determine the effectiveness of their treatment methods and kill ratios. The study remarkably involves performing "autopsies" on mosquitoes to examine factors like their ovaries. The Mosquito Abatement are also exploring ways to sterilize female mosquitoes, which cause the most problems. Council Member Smalling was impressed by this innovative research approach. They recently received approval to operate a new drone for treatments. Council Member Smalling noted the licensing process was much quicker than past experiences. She informed Council she has a short video clip showing the drone in action if anyone would like to see. The drone technology can treat areas more precisely and cost-effectively than helicopters. Council Member Smalling also described the Mosquito Abatement's annual educational program that visits schools to teach children about mosquitoes. This year they reached around 3,650 kids across 49 public schools and 3 charters through 140 classroom presentations. The program provides books and lets students witness the metamorphosis of caterpillars. Interestingly, some students who went through this program as kids later become seasonal employees. However, the school curriculum changes forced some adjustments to the program this year. The board is still working to fill a couple of remaining seasonal staff positions. Mosquito trapping has begun, but treatments won't start until warmer temperatures since the product is extremely expensive and ineffective in cold conditions. So residents may still notice mosquito activity initially.

Chief Jamison shared his department would be conducting firearms training and qualifications at the Davis County range the next day. They also recently received a grant to purchase some ballistic shields.

Director Monroe informed Council Public Works have been cleaning the storm drain grates diligently this week. His crew is also on pothole duty to get the roads filled in. He mentioned 250 West is falling apart so be aware he will be putting repair for 250 West in the budget. Director Monroe informed Council over the next three weeks, his crews would be patching eight different major areas of roadway totaling around 26,000 square feet that were failing and developing potholes. This was separate from the annual surface treatment budget for potholes and other routine maintenance. If residents inquired about the bright line markings across the roads, Director Monroe advised his crew would be digging out the extended pothole areas prior to repairing them. He highlighted one severely damaged section around 1040 N 450 West that was 30-40 feet long as a significant portion of the total area. Director Monroe proposed selling two of the City's four remaining dump trailers used for the discontinued curbside yard waste collection program. One trailer has detachable dumpsters that Director Monroe wanted to keep, but the other two trailers could be sold since that service was terminated due to costs like illegal dumping of mattresses. The Council Members reacted positively to selling the trailers given the program's discontinuation. Director Monroe mentioned needing to finalize details with Council Member Thompson about the upcoming car show for Fun Days. He also required the Council's input on selecting this year's Grand Marshal soon, as that name would be featured on an engraved plaque. Director Monroe was awaiting their recommendation. The Council members briefly discussed potential grand marshal candidates, noting a preference for someone who had not yet received that recognition. Director Monroe advised setting the hours for the car show soon, perhaps 11am-4:30pm, to coordinate the various event elements like the parade, DJ, inflatables, and circus performers. He would meet with Council Member Thompson to review

potential layouts at the park. Regarding the City's 5K event, Director Monroe let the council know that T-shirts are now ordered based on participant sizes rather than pre-buying a set inventory amount. This avoided having excess shirts from low registration years.

Mayor Pro Tem Wiggill briefly provided an update on the Fire Department's new station construction. Despite the increased costs of business affecting everyone, he reported the Fire Station project was coming along nicely and on budget. The previous week, they installed all the doors, fully enclosing the interior space. Mayor Pro Tem Wiggill expressed excitement about the state-of-the-art facility and how nice it will be for the firefighters with features like upgraded gear storage, sleeping quarters, dining area, and training center. He stated they were still on schedule for May and looked forward to its completion.

Council Member Smalling made a motion to move into the Work Session and Council Member Thompson seconded the motion. The motion passed unanimously with Council Members Carlson, Smalling and Thompson voting yes.

WORK SESSION

1. Discuss FY24 Budget Amendments: Mayor Pro Tem Wiggill posed the question to those in attendance about how they felt regarding raising taxes. Council Member Smalling acknowledged that while unfortunate, raising taxes is sometimes a "necessary evil." Mayor Pro Tem Wiggill agreed it can be necessary at times, but questioned if this was the right year to pursue a tax increase. He acknowledged the tough decisions ahead based on the limited funds available to transfer into the Capital Projects fund. Mayor Pro Tem Wiggill stated he did not feel this was the year to raise taxes, citing the many organizations and increasing costs already straining residents' budgets from things like Mosquito Abatement fees, Fire Department expenses, groceries, fuel, and more. He urged making the best effort to avoid adding to that financial burden if possible. Referencing prior discussions about implementing increased water rates, Mayor Pro Tem Wiggill asked if it made more sense to spread the increase over three years rather than all at once, recognizing it would be another significant expense hitting residents. He reiterated everyone is struggling with the rising costs, including many on fixed incomes like himself. Mayor Pro Tem Wiggill encouraged the Council to keep those financial impacts in mind as discussion items came up during this fourth budget meeting, noting, in his opinion not much progress had been made yet.

Recorder Supp walked through an explanation of how she now better understood the fund balances, transfers, and budgeting process after some recent training. She apologized for incorrect information in prior meetings as she learned. Recorder Supp first explained the general fund balance guidelines set by the state, aiming for 35% of revenues as a maximum and no less than 5% as a minimum to maintain operations before major revenues are received. The 35% maximum also factors in some smaller sub-funds tracked separately. For the utility fund's retained earnings, Recorder Supp described it being treated more like a business account, where assets like cash and receivables determine the net worth rather than just available spendable funds like the general fund. Around \$1 million in cash plus receivables is recommended at the start of each year to cover budgeted utility projects and emergencies until utility fees replenish that amount. Director Monroe asked for clarification that the Class C Road fund was separate

from the general and utility funds, which Recorder Supp confirmed. She then proceeded to go line-by-line through the updated proposed budget for fiscal year 2024 based on the latest actual revenues and expenses received so far in the current fiscal year.

Some highlights included:

- Increasing the property tax revenue projection due to higher delinquent collections
- Using the final set revenue amounts received from other sources like licenses, permits, charges for services, etc.
- Reducing some expenditure lines based on actuals, like office supplies and court salaries
- Adjusting the building inspection fees and inspections budget
- Proposing reducing the transfer to the Capital Projects fund to \$317,000 rather than \$500,000 in order to maintain the general fund balance closer to the 35% state guideline

Recorder Supp explained that maintaining a higher general fund balance above 25% was prudent since that fund is what has to fund the upcoming fiscal year's expenses while waiting for new revenues. The Council discussed the fund balance percentage recommendations. Director Monroe stated department heads typically end up giving money back each year and her projections seemed reasonable. Recorder Supp acknowledged she thought they would eventually get to a point where a larger transfer like \$500,000 to Capital Projects could be done. However, based on the current budget's revenue and expenditure projections, she recommended sticking with the \$317,000 transfer amount for the time being. She reiterated that the general fund balance percentage carried into the next fiscal year was important, as that ending balance funds the start of the new year's operations until revenues start coming in. Recorder Supp suggested they could revisit increasing the transfer after reviewing some other department budgets. For the streets budget, Recorder Supp stated she simply took the budget amounts provided by Jason to the projected balances without changes this round. The buildings and grounds budget also remained unchanged from last meeting except for some overtime adjustments. Moving on to the parks and recreation budget, Recorder Supp highlighted her updated projections showed revenues exceeding expenditures by \$450,550 for the current fiscal year. To calculate the projected ending fund balance of \$571,127 for FY 2024, she took the FY 2023 ending balance of \$1,020,677 and subtracted the \$450,550 overage amount. The \$571,127 projected ending balance for FY2024 equated to 25.45% of the general fund revenues, leaving it up to the Council whether they wanted to maintain that percentage or get closer to the 35% maximum allowed by the state. Council Member Carlson and Mayor Pro Tem Wiggill discussed aiming for somewhere in the middle around 30-33%, which Recorder Supp said aligned with the auditor's recommendation from prior discussions.

Recorder Supp reviewed the utility funds budget, starting with the income projections on page 9 of the FY 2024 budget. She noted if any lines were adjusted from the initially approved budget, it was only to increase the projected income amount. The total utility income projection came in \$30,670 higher than the initially approved budget amount. For the utility funds expenditure side, Recorder Supp walked through each section:

- Mayor and council budget - only a small reduction to office supplies
- Administration budget remained unchanged

- Non-departmental utilities budget - natural gas and telephone lines were increased
- Water fund total projected \$22,535 over budget
- Weaver basin purchase amount adjusted to actual billed
- Sewer fund projected \$12,325 under budget
- Garbage fund remained unchanged from approved budget
- Buildings/grounds budget - only overtime adjustment
- City shops budget projected \$515 under budget

This led to a projected \$419,915 excess of utility income over expenses for FY 2024. The storm water fund (page 13) was projected \$1,475 under the initial budget. For the Class C Road fund (page 14), only an overtime adjustment was made from the initial budget. The projected revenue over expenditures was \$73,760.

Recorder Supp noted the County had stopped charging the City Animal Control fees previously budgeted in the Dispatch fund; instead, rolling those costs into the property taxes directly. However, the Dispatch fund fees charged to residents needed to be re-evaluated, as the current \$2 per month rate was projecting a high \$59,862 ending fund balance for FY 2024. To draw that balance down over time, Recorder Supp recommended reducing the dispatch fee to \$1.15 per month. This would bring in projected revenues of \$27,804, slightly over the \$21,000 needed to cover dispatch costs. If the City added a 10th Officer position, the \$1.15 rate would cover the additional dispatch fees. The Council agreed to reduce the dispatch fee to \$1.15 per month on the upcoming fee schedule amendment.

For the remaining small sub-funds like Emergency Preparedness, Liquor Control, Youth Council, and Miscellaneous Grants, Recorder Supp adjusted the fund balances carried over into FY 2025 to accurate levels based on actual revenues and expenditures to date. A \$10,000 Public Works grant line item was removed, as Recorder Supp determined it was a budget error carried over incorrectly. The Retirement fund projected coming in under budget, which Recorder Supp thought may be related to an employee dropping off that benefit plan. Recorder Supp explained the Economic Development fund showed \$242,030 from the sale of a billboard property. On the total all funds page, Recorder Supp noted revenues over expenditures of \$824,422, though cautioning this was subject to change based on projections. Director Monroe reminded everyone a large portion of that, around \$700,000, went to the \$2 million 1300 North project, of which \$1.2 million came from government funding.

2. Discuss FY25 Budget Requests: Looking at the FY 2025 general fund budget, Recorder Supp explained they would need to start with a beginning balance of \$571,127 if maintaining the 25% fund level. Adding in the smaller sub-fund balances brought the total projected beginning fund balance to \$753,127. However, with the anticipated expenditures in the FY 2025 budget, an additional \$385,930 would need to be funded from the existing balance. This would leave an ending projected FY 2025 fund balance of only \$367,197. Recorder Supp expressed concern about having such a low reserve amount of \$367,197 remaining if an unexpected emergency expenditure arose in the general fund during the fiscal year. Director Monroe asked what type of general fund emergencies Recorder Supp was envisioning. He stated that in his experience,

emergency expenditures like a building issue would typically be paid from the utility fund reserve rather than the general fund.

Chief Jamison noted the budget numbers would likely still change somewhat, as his department currently projected turning back around \$60,000 to the general fund for FY 2024 that was not yet accounted for in the figures. Recorder Supp acknowledged they had to base the initial budget on projections due to the state's deadlines, even though final figures would likely differ from those projections. The Council discussed that maintaining the initially proposed \$317,000 transfer to Capital Projects could leave the FY 2024 general fund balance higher at \$753,127 or around 32.45%, versus transferring the full \$500,000. Recorder Supp confirmed that in her updated budget projections using the \$317,000 transfer to Capital Projects, the FY 2024 projected ending general fund balance came to \$753,127, which was 32.45% of revenues.

Council Member Thompson expressed her general discomfort with the idea of not raising taxes on residents when they were already facing increases from many other sources, the City cannot keep eating the costs. Council Member Smalling agreed that while unfortunate, increased costs and fees are often described as the "cost of doing business" that eventually gets passed along to the customer base, which for the City is the resident. Council Member Smalling stated she was typically opposed to gradual incremental increases, preferring a "rip the band-aid" approach of implementing the full increase at once. However, given the current economic conditions, she voiced being open to considering smaller gradual utility rate increases over multiple years rather than all at once. Mayor Pro Tem Wiggill reminded everyone that maintaining budget discipline and only purchasing absolutely necessary items was important. Chief Jamison stated there was nothing excessive or unnecessary included in his department's budget request. Mayor Pro Tem Wiggill clarified he was not accusing any department of requesting unnecessary items, but simply wanted to ensure they maintained an overall budget-conscious mindset moving forward.

Recorder Supp described increasing various revenue projections based on current year actuals - Justice Court to \$450,000 based on Chief Jamison's input, Davis Weber Canal by \$90, and business licenses projected higher based on Deputy Recorder Markel's rental property licensing efforts. The \$3,750 police report fee increased to a \$25 charge, mainly for insurance companies and attorneys requesting reports. Recorder Supp noted taking out part-time salaries since the judge's wages are set by the AOC, including a projected 5% raise. In the Administration budget, Recorder Supp removed vacation cash out. Planning Services and Building budgets stayed the same. Council Member Thompson asked if the \$50,000 for Planning Services covered hiring outside consultants or was just funding to pay whomever they hired based on hourly rates. Director Monroe explained it was their best estimate; they would issue an RFP and pay the selected vendor hourly up to that \$50,000 cap, without revealing the budgeted amount. She suggested cutting this first if needed to reduce the budget. Recorder Supp expressed hesitation at potentially cutting it since Deputy Recorder Markel was new to building permitting and she herself was still learning, so the outside help would be valuable, especially to properly handle aggressive developers. Council Member Carlson agreed the building expertise was more valuable than planning currently. Council Member Smalling suggested keeping the \$50,000 for planning services in the budget for education this year, with the possibility of removing it entirely from next year's budget, which he was okay with since it was a temporary need to help

educate staff. Recorder Supp explained the challenges of having new staff handling building permits. She and Deputy Recorder Markel were currently the only two staff able to handle building permits. If one was out, the other had to take over. Without sufficient training, it was difficult to cross-train others on what to look for regarding permits. Ideally, Recorder Supp would want everyone cross-trained, but staff were already overwhelmed with existing duties, especially the new hires. However, she praised Deputy Recorder Markel's ability to figure things out and stated they try to help each other meanwhile. Council Member Smalling agreed that eventually they would want someone to be able to step into that role if staff left. She disliked the term "tribal knowledge" and preferred people be properly cross-trained to answer basic questions. Recorder Supp concurred, stating she tries to provide staff the tools and resources, like booklets with setbacks and other helpful tips, so they at least have basic knowledge even if not fully trained yet.

The Non-departmental budget, noted the only change was an additional \$200 for Illumination donation, plus including costs for the Verkada system. Council Member Thompson wanted to remove the Verkada system cost, calling it a large line item they may need to cut. Council Member Smalling stated they had to have some solution for securing the ballot box, which is legally required. Recorder Supp explained she had requested the camera system and door security, but if forced to choose, she would prioritize cameras for employee and ballot security purposes.

For the Police budget, Chief Jamison had asked to remove the vacation cash out line. Everything else remained the same except removing the part-timer from the Victim's Advocate budget while keeping the \$500 for required trainings. The price for a new police vehicle was shown as \$60,000, but they included the \$34,000 two-year lease option for FY 2025. Council Members discussed getting an additional 10th officer, which would necessitate another vehicle. Chief Jamison stated they would try to be frugal but ultimately need enough vehicles. Council Member Carlson suggested just purchasing the vehicle outright this year if possible.

In the streets budget, nothing changed except including the asphalt zipper equipment and 1/5 of a new pickup truck cost. For buildings and grounds, parks and recreation, and city shops, Director Monroe's budgets remained unchanged from previous drafts. Recorder Supp asked if anyone had questions on the streets budgets before moving to parks, specifically mentioning the potential for lighting at the South Park if desired.

Council Member Smalling circled back to the topic of security cameras, stating it was discussed installing them in parks to protect that investment, especially after an incident last week involving park damage. She didn't want to give up on cameras entirely. Director Monroe said they hadn't actually discussed putting cameras in the parks yet. Chief Jamison stated the camera system they're looking at would allow integrating additional cameras as needed, feeding into their main server and monitoring system. The upgrades would include drops at all park locations to enable future cameras. Council members discussed the costs of installing a single camera at each park initially, focusing on covering the newly renovated bathroom facilities as the highest value investment to protect from vandalism. Mayor Pro Tem Wiggill wanted to ensure any new camera system would integrate with future expansion to parks if that was the eventual plan.

Council Member Thompson questioned why they needed a new \$75,000 truck when they already had the Ram truck they've been trying to sell. She asked if there was a lease option to spread out costs instead of purchasing outright. Director Monroe explained the Ram had 183,000 miles and transmission issues, which is why they wanted to sell it. This new truck would also replace the small Colorado pickup truck her staff was using. So they were eliminating two older trucks for one newer, more reliable truck. Mayor Pro Tem Wiggill explained the new truck Director Monroe wanted would be a utility truck allowing staff to carry all necessary equipment and tools for repairs. Currently, neither the Colorado nor the Ram truck has that capability. The plan was to eliminate those two older trucks and replace them with one new utility truck that could properly accommodate tools and equipment at job sites. Council Member Thompson asked if they could potentially retrofit one of the existing trucks for less money instead of purchasing a brand new one. Mayor Pro Tem Wiggill didn't believe either the Colorado or Ram had a large enough frame to carry the type of equipment needed. He stated they would require a one-ton truck frame, whereas the current trucks were at most half-ton trucks, too small to properly outfit as a utility vehicle. Director Monroe noted the Ram truck they wanted to replace was a 2012 model year that they had purchased used. Council Member Smalling pointed out that made the truck 12 years old. Mayor Pro Tem Wiggill stated his opinion that purchasing used trucks was absolutely not advisable. Council Member Carlson stated his stance that they should not be doing any lease options and instead just purchase trucks outright. Director Monroe definitively stated he was rescinding the request for the new truck from his budget proposal to help reduce costs, despite his stance that running older, unreliable vehicles was inadvisable for critical City services. Council Member Smalling disagreed, saying having nice, well-maintained City vehicles was important for public perception of the City being well-run. He preferred keeping the truck request in if they could make the budget numbers work.

This led to a broader discussion around the previous practice of allowing some employees to cash out accrued vacation time at year-end. Director Monroe reiterated if they removed it from one department, it should be removed everywhere for consistency. He could foresee issues if some employees found out some other departments allowed cash-outs while they didn't. Council Member Smalling asked what the current policy stated about allowing or requiring cash-outs to be budgeted. Director Monroe explained there hadn't really been a clear, enforced policy - it was something that had been budgeted inconsistently for many years. Chief Jamison said in his case, he saw it as an opportunity to help shape and reduce his budget where possible. After further discussion, Mayor Pro Tem Wiggill confirmed they would move to remove the vacation cash-out budgets for all department heads.

Council Member Wiggill asked if they had discussed using money from the 1800 North project to purchase the Ventrac machine that was listed in the budget.

Director Monroe stated that line item should be removed as well from the budget.

Mayor Pro Tem Wiggill questioned if they were going to use the 1800 North project funds to purchase that Ventrac machine. Director Monroe explained he had planned to do so, but given the tight budget, he would just hope they could acquire it the following fiscal year instead. Mayor Pro Tem Wiggill expressed confusion over the funding source for the equipment. Director

Monroe clarified that if they intended to purchase the Ventrac machine using the 1800 North project funds, that line item needed to be removed from the Parks budget. It should instead come from the Public Works Capital Project fund, not the Parks operating budget where it currently resided. Council Member Carlson stated the intent was for those 1800 North funds to take care of road maintenance needs related to that project. Council Member Thompson asked when the prime construction timelines were for beginning work on 1800 North. Director Monroe stated the 1800 North road construction would likely begin next spring. Council members discussed timing the overall consensus was that acquiring the Ventrac would be needed no matter what in preparation for maintaining 1800 North going forward. Director Monroe explained the \$550,000 listed for the water line project was intended to come from the combined 1800 North project funds as well. Council Member Smalling stated it made sense to take both the water line and Ventrac purchases out of the 1800 North project funds they had specifically allocated for that overall project.

Recorder Supp directed attention to the metered water fees revenue. This reflected the proposed \$11 increase to monthly billing rates. She asked if they were keeping the \$11 rate increase in the budget. Mayor Pro Tem Wiggill recalled there had been some discussion previously about potentially not doing the full \$11 at once. He referenced the recent talk of implementing it incrementally over multiple years instead of the full \$11 increase all at once this year. Director Monroe urged keeping the full \$11 increase, explaining it would help build up the Utility fund reserves for critical water system maintenance and replacements that are needed. He noted there are still 4-inch water lines that require upsizing to 8-inch mains across the City. Director Monroe also reminded Council it would aid in funding the required replacement plan for all remaining galvanized service lines after completing their Lead and Copper inventory. State regulators will mandate full replacement of any galvanized lines, which will impact residential customers up to the home's connection. Mayor Pro Tem Wiggill agreed the utility fund needed those resources for future water system upgrades. Director Monroe provided an update that the EPA is implementing new testing requirements for PFAS chemicals, which has very limited lab availability and will increase testing costs substantially. This is in addition to the already enhanced Lead and Copper monitoring with more sampling sites required. Council Members discussed the challenges and uncertainties around these new permitting regulations being imposed by state and federal agencies. Director Monroe stated his recommendation had been the full \$11 increase this year to adequately fund the utility's capital needs. However, he acknowledged Mayor Pro Tem Wiggill's point that incremental increases of \$4 per year over three years could be an easier adjustment for residents. Council Member Smalling asked what the final deadline was for approving this budget and suggested the idea of holding an open public comment session to properly educate residents on the reasoning behind the rate increases before finalizing it in June. She felt many residents likely didn't understand the City's costs to purchase and distribute water. Recorder Supp proposed if implementing the full \$11 increase, the City should plan on sending a direct mailer to all utility customers explaining the rationale, for increases like the water and garbage fees. Council Members discussed the effectiveness of mailings compared to public meetings for communicating changes like this based on past experiences. Sending an informational mailer allowing the third-party service providers like the garbage company to also include an insert was seen as a better approach for broad outreach. The consensus emerged to implement the full \$11 monthly increase in one step this year, while also

developing a mailer in partnership with the garbage/recycling company and water department to properly educate customers on the reasons necessitating this rate adjustment. Holding a public meeting was deemed unlikely to reach a sufficient audience based on past turnouts. Recorder Supp had broken down the various line items contributing to the overall \$11 increase, not including the garbage/recycling fees she didn't have final numbers for yet. She noted the minimum \$95.32 bill amount didn't reflect the planned 85 cent decrease to the Dispatch fee for removing the Animal Control fee.

Council Member Carlson thanked Recorder Supp for including the 5% cost-of-living increases to wages for the employees.

Council Members recalled previous discussions around the need and anticipated usage frequency for the specialized sewer camera in the Utility fund. Council Member Thompson questioned the last time and how often the City actually utilized rental camera services, to which Director Monroe had replied it was about once every 2-3 years unless emergency issues arose. She had wondered if it made more sense to simply rent the cameras on an as-needed basis. Director Monroe provided her rationale for purchasing the City's own camera system instead of continuing to rent. He explained that a \$250,000 piece of equipment requiring specialized training was not something they wanted to temporarily rent and risk damage/replacement costs. He stated the City had previously paid around \$15,000 annually for rental camera services, but that vendor had gone out of business after falling behind on 4 years' worth of recommended inspections. Council Member Thompson confirmed they were looking at purchasing the full camera system including vehicle for around \$150,000. Director Monroe strongly cautioned against purchasing a used camera system, as they would be taking on someone else's potential maintenance issues and costs. Even seemingly minor air pressure leaks could result in \$4,000-5,000 in repairs if water gets into the system. There was discussion around potentially purchasing a used vehicle like an ambulance to install the camera system in versus a new truck, as ambulances had inverter systems better suited for running the camera equipment without power fluctuation issues.

Council discussed the remainder of the budgets with no changes.

Council Member Carlson made a motion to adjourn the Work Session and go back into the Regular Session and adjourn. Council Member Thompson seconded the motion. The motion passed unanimously with Council Members Carlson, Smalling and Thompson voting yes.

The meeting adjourned at 9:38 p.m.

Approved – May 21, 2024

Scott Wiggill, Mayor Pro Tem

Nicole Supp, Recorder

RESOLUTION NO. 2024-10

**A RESOLUTION APPROVING THE INTERLOCAL COOPERATION AGREEMENT
WITH DAVIS COUNTY FOR DISPATCH SERVICES.**

Whereas, Sunset City desires to benefit from the dispatch services of the Davis County Sherriff's Office through the 9-1-1 Communications Center; and

Whereas, Davis County desires to permit Sunset City to benefit from the dispatch services of the Davis County Sheriff's Office as specified in this agreement;

Now, Therefore, be it resolved by the Sunset City Council that the attached Agreement be approved and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

Approved and adopted by the Sunset City Council this 21st day of May, 2024.

Scott Wiggill, Mayor Pro Tem

Attest:

Nicole Supp, Recorder

INTERLOCAL COOPERATION AGREEMENT
(DISPATCH SERVICES)

This agreement is between Davis County, a Utah political subdivision (the “County”), and Sunset City, a Utah municipal corporation (the “City”).

Recitals

- A. The parties are authorized to enter into in this agreement pursuant to the Utah Interlocal Cooperation Act, which is codified at Title 11, Chapter 13, Utah Code Annotated (the “Act”).
- B. The County provides dispatch services within the limits of Davis County through the 9-1-1 communications center (the “Center”), which is operated by the Davis County Sheriff’s Office (the “DCSO”).
- C. The City desires to benefit from the services of the County, the DCSO, and the Center as specified in this agreement.
- D. The County desires to permit the City to benefit from the services of the County, the DCSO, and the Center as specified in this agreement.

The parties therefore agree as follows:

1. Services.

- A. The County, through the DCSO and the Center, shall provide dispatch services and emergency dispatch services to the City for police, fire, and EMS services twenty-four hours per day, seven days per week, and three hundred and sixty-five days per year. These services shall include dispatching appropriate response units to and from an incident, acting as the central point of ordering and dispatching resources, and providing accurate incident reports. These services will be dispatched over the radio, 2-tone paging system, the Alpha-Numeric-Paging system, and the Station Pre-Alerting system.
- B. The County, through the DCSO and the Center, will utilize the UCA 800 MHz and 700 MHz radio systems for all radio communications and will assign specific operations channel(s) (Ops) to be used upon dispatch.
- C. The County, through the DCSO, the Center, and the current Spillman CAD system, will maintain a record of all telephone and radio calls involving the City and record all call times and radio transmissions on the appropriate Police, Fire, and EMS incidents.
- D. The County, through the DCSO, shall provide contingency dispatch services and planning in the event that there is a disruption of services at the Center.
- E. The County, through the DCSO and the Davis County Human Resources Department, shall have and maintain the sole responsibility for the recruitment, employment, and supervision of the employees assigned to the Center. If the City has any personnel concerns regarding the Center, the City shall address such personnel concerns through the following chain of command: (a) the Center shift supervisor; (b) the Center manager; (c) the Center Director; (d) the Chief Deputy assigned to assist the Center; (e) the Sheriff; (f) the County Human Resources Director; and finally (g) the County Commission.

2. Equipment.

- A. All equipment located within the Center on or before June 30, 2017 is owned and will continue to be owned by the County (the “County Equipment”). As the owner of the County Equipment, the County shall derive all profits (e.g. revenues from sale, replacement, or otherwise) and all losses (e.g. expenses due to maintenance, replacement, or otherwise) regarding the County Equipment.
- B. On or after July 1, 2017, all equipment utilized for police, fire, and EMS dispatching is subject to the following:

- 1) Prior to equipment being connected to the County's dispatching system for use, the entity or entities responsible for such equipment shall provide all requested records relating to the equipment to and obtain written approval from the Davis County Information Systems Director, Utah Communications Authority, the radio vendor (e.g. Motorola), and the County representative responsible for the County's radios;
- 2) Upon approval as required in Section 2.2.1, it shall be the sole obligation and responsibility of the entity or entities responsible for the dispatching equipment to adequately and reasonably maintain such equipment, which may require being a party to a valid County maintenance agreement that covers the maintenance of such equipment;
- 3) Unless access to the dispatching equipment is necessary due to a bona-fide emergency (e.g. the dispatching equipment fails in a manner that precludes necessary dispatching services from being performed), the entity or entities responsible for the dispatching equipment and/or their employees, agents, contractors, or otherwise shall arrange access to the dispatching equipment with the County, through the DCSO and the Center, at least twenty-four hours in advance of the time they desire to gain access to the dispatching equipment. In the event of a bona-fide emergency, as much notice as reasonably possible shall be provided to the County, through the DCSO and the Center, and, upon receiving such notice, the County, through the DCSO and the Center, will permit access to the dispatching equipment; and
- 4) Notwithstanding anything herein to the contrary, the County has no obligation to maintain and shall not be responsible or held responsible for maintenance, replacement, or any other expenses arising from, in connection with, or relating in any way to such dispatching equipment.

This section shall survive the termination of this agreement.

3. Compensation. For the 2024 fiscal year (July 1, 2024 through June 30, 2025), the City shall pay the County as follows for the services provided by the County to the City under this agreement:

A. The City police fees are charged per officer (See Table Below):

SUNSET CITY POLICE

<u>Officers</u>	<u>Price Per Officer</u>	<u>Total (July 2024-June 2025)</u>
9	\$2,730.73	\$24,576.57

The City shall pay to the County the obligations set forth in Subsections 3.A of this agreement in equal monthly payments within thirty calendar days of receipt of a monthly invoice from the County.

4. Effective Date of this Agreement. The Effective Date of this agreement shall be on the earliest date after this agreement satisfies the requirements of Title 11, Chapter 13, Utah Code Annotated (the "Effective Date").
5. Term of Agreement. The term of this agreement shall begin as of July 1, 2024 and shall, subject to the termination and other provisions set forth herein, terminate at the conclusion of June 30, 2025 (the "Term"). The parties may, by written amendment to this agreement, extend the Term of this agreement; however, this agreement may not extend more than fifty years from the commencement of the Term.
6. Termination of Agreement. This agreement may be terminated prior to the completion of the Term by any of the following actions:
 - A. The mutual written agreement of the parties;
 - B. By either party:
 - 1) After any material breach of this agreement; and

- 2) Thirty calendar days after the non-breaching party sends a written demand to the breaching party to cure such material breach, and the breaching party fails to timely cure such material breach; provided however, the cure period shall be extended as may be required beyond the thirty calendar days, if the nature of the cure is such that it reasonably requires more than thirty calendar days to cure the breach, and the breaching party commences the cure within the thirty calendar day period and thereafter continuously and diligently pursues the cure to completion; and
 - 3) After the written notice to terminate this agreement, which the non-breaching party shall provide to the breaching party, is effective pursuant to the notice provisions of this agreement;
- C. By either party, with or without cause, six months after the terminating party mails a written notice to terminate this agreement to the non-terminating party pursuant to the notice provisions of this agreement; or
- D. As otherwise set forth in this agreement or as permitted by law, ordinance, regulation, rule or similar authority.

NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS AGREEMENT, THIS AGREEMENT IS SUBJECT TO ANNUAL APPROPRIATIONS BY THE PARTIES AND THE PARTIES SHALL EACH HAVE THE RIGHT TO TERMINATE THIS AGREEMENT, AT ANY TIME UPON WRITTEN NOTICE TO THE OTHER PARTY, IF ANNUAL APPROPRIATIONS, AS PART OF THE PARTY'S ANNUAL PUBLIC BUDGETING PROCESS, ARE NOT MADE BY THE PARTY TO ADEQUATELY OR SUFFICIENTLY PAY FOR THE OBLIGATIONS UNDER THIS AGREEMENT, WITHOUT FURTHER OBLIGATION OR LIABILITY TO THE TERMINATING PARTY UNDER THIS AGREEMENT.

7. Notices. Any notices that may or must be sent under the terms and/or provisions of this agreement should be delivered, by hand delivery or by United States mail, postage prepaid, as follows, or as subsequently amended in writing:

<u>To the City:</u> Sunset City Attn: D. Howard Madsen, Mayor 200 West 1300 North Sunset, Utah 84015	<u>To the County:</u> Davis County Attn: DCSO Administrative Chief Deputy P.O. Box 618 Farmington, UT 84025
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8. Governmental Immunity. The parties recognize and acknowledge that each party is covered by the Governmental Immunity Act of Utah, which is codified at Sections 63G-7-101 through 63G-7-904, Utah Code Annotated. Nothing herein is intended to waive or modify any rights, defenses or provisions of the parties provided in the Governmental Immunity Act of Utah. Officials, employees, and/or volunteers who perform services arising from, in connection with, or relating to this agreement shall be deemed officials, employees, and/or volunteers of the party directing their services for purposes of this agreement and the Utah Governmental Immunity Act, even if the services are performed outside of the territorial limits of such party. Each party shall be responsible for and shall defend the actions and/or omissions of its own officials, employees, and/or volunteers, which arise from, are in connection with, or relate relating to this agreement, whether negligent or otherwise. The section shall survive the termination of this agreement
9. No Separate Legal Entity. No separate legal entity is created by this agreement.
10. Review; Approval; and Filing. This agreement shall be submitted to an authorized attorney for each party for review in accordance with Section 11-13-202.5 of the Act. This agreement shall be approved by the executive or the executive body or each party in accordance with Section 11-13-202.5 of the Act. A fully executed version of this agreement shall be filed with the keeper of records for each party in accordance with Section 11-13-209 of the Act.

11. Benefits. The parties acknowledge, understand, and agree that each of their respective officials, employees, and volunteers are not in any manner or degree officials, employees, or volunteers of the other party and shall have no right to and shall not be provided with any benefits from the other party. The County's officials, employees, and/or volunteers, while providing or performing services under or in connection with this agreement, shall be deemed officials, employees, and/or volunteers of the County for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits. The City's officials, employees, and/or volunteers, while providing or performing services under or in connection with this agreement, shall be deemed officials, employees, and/or volunteers of the City for all purposes, including, but not limited to, workers compensation, withholding, salary, insurance, and benefits.
12. Waiver. The rights of and available to each of the parties under this agreement may only be waived or released by an instrument in writing that is signed by the party whose rights will be diminished or adversely affected by such waiver or release.
13. Entire Agreement, Amendment. This agreement, including all attachments, if any, constitutes the entire understanding between the parties with respect to the subject matter in this agreement. Unless otherwise set forth in this agreement, this agreement supersedes all other agreements, whether written or oral, between the parties with respect to the subject matter in this agreement. An amendment to this agreement is only effective if it is in writing and signed by both parties.
14. Force Majeure. In the event that either party shall be delayed or hindered in or prevented from the performance of any act required under this agreement by reason of acts of God, acts of the United States Government, the State of Utah Government, fires, floods, strikes, lock-outs, labor troubles, inability to procure materials, failure of power, inclement weather, restrictive governmental laws, ordinances, rules, regulations or otherwise, delays in or refusals to issue necessary governmental permits or licenses, riots, insurrection, wars, pandemics, epidemic, or other reasons of a like nature not the fault of the party delayed in performing work or doing acts required under this agreement, then performance of such act(s) shall be excused for the period of the delay and the period for the performance of any such act shall be extended for a period equivalent to the period of such delay, without any liability to the delayed party.
15. Assignment Restricted. The parties agree that neither this agreement nor the duties, obligations, responsibilities, or privileges in this agreement may be assigned, transferred, or delegated, in whole or in part, without the prior written consent of both of the parties. Any purported transfer in violation of this section will be void.
16. Choice of Law. Utah law governs any action, suit, claim, investigation, or proceeding, whether in a judicial, administrative, or alternative dispute resolution forum, brought by one party against the other party arising out of, in connection with, or relating to this agreement.
17. Severability. The parties acknowledge that if a dispute between the parties arise out of, in connection with, or relating to this agreement or the subject matter of this agreement, then the parties desire the decision maker to interpret this agreement as follows:
 - A. With respect to any provision that it holds to be unenforceable, by modifying that provision to the minimum extent necessary to make it enforceable or, if that modification is not permitted by law, by disregarding that provision; and
 - B. If an unenforceable provision is modified or disregarded in accordance with this section, by holding that the rest of the contract will remain in effect as written.
18. Counterparts. This agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed an original, and all such counterparts taken together shall constitute one and the same agreement.

Each party is signing this agreement on the dates set forth below.

<p>SUNSET CITY</p> <p>_____</p> <p>Mayor</p> <p>Dated: _____</p> <p>ATTEST:</p> <p>_____</p> <p>Recorder</p> <p>Dated: _____</p> <p>REVIEWED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW:</p> <p>_____</p> <p>Attorney</p> <p>Dated: _____</p>	<p>DAVIS COUNTY</p> <p>_____</p> <p>Chair, Board of County Commissioners</p> <p>Dated: _____</p> <p>ATTEST:</p> <p>_____</p> <p>Clerk/Auditor</p> <p>Dated: _____</p> <p>REVIEWED AS TO PROPER FORM AND COMPLIANCE WITH APPLICABLE LAW:</p> <p>_____</p> <p>Attorney's Office</p> <p>Dated: _____</p>
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RESOLUTION NO. 2024-11

A RESOLUTION APPROVING THE LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING SPOUSE TRUST FUND COST-SHARING AGREEMENT.

Whereas, Sunset City desires to participate in paying an annual premium as established by the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees; and

Whereas, in the event of a line of duty death of a member, Sunset City is required, pursuant to 53-17-201 of the Utah Code, to provide health coverage for the surviving spouse and any child of the member until the child reaches the age of 26;

Whereas, the annual premium shall be based upon the number of public safety members employed by Sunset City;

Now, Therefore, be it resolved by the Sunset City Council that the attached Agreement be approved and that the Mayor and Recorder are hereby authorized and directed to execute and deliver the same.

Approved and adopted by the Sunset City Council this 21st day of May, 2024.

Scott Wiggill, Mayor Pro Tem

Attest:

Nicole Supp, Recorder

**LOCAL PUBLIC SAFETY AND FIREFIGHTER SURVIVING SPOUSE TRUST FUND
COST-SHARING AGREEMENT**

THIS COST-SHARING AGREEMENT is authorized by Section 53-17-301 of the Utah Code, and R698-8 of the Utah Administrative Code, and is made effective May 17, 2024, by and between Jess L. Anderson, Commissioner, Utah Department of Public Safety and Sunset City, 200 W 1300 N, Sunset City, UT 84015, 801-825-1628.

THE PARTIES ENTER THIS AGREEMENT on the basis of the following facts, understandings and intentions:

A. In the event of a line of duty death of a member, the participating agency is required, pursuant to 53-17-201 of the Utah Code, to provide health coverage for the surviving spouse and any child of the member until the child reaches the age of 26.

B. The participating agency is required to pay 100% of the premium costs for health coverage for surviving spouse and children.

C. Beginning 13 months after the line of duty death, the participating agency is eligible for reimbursement for the health coverage costs from the Local Public Safety and Firefighter Surviving Spouse Trust Fund.

D. In the event the participating agency fails to submit the annual premium in a timely manner the participating agency may not be eligible for reimbursement of health coverage costs for a surviving spouse or children.

E. The participating agency is not eligible for reimbursement of health coverage costs for a line of duty death that occurs during a period of time when the agency is not a participating agency.

F. A participating agency that elects to participate in the trust fund shall be eligible for reimbursement of health coverage costs for a surviving spouse or children for a line of duty death that occurs on or after July 1, 2005, as long as annual premium payments are current.

G. The provisions found in Utah Administrative Rule R698-8 govern this agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants of the parties hereto, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto hereby agree as follows:

1. Payment of Annual Premiums. The participating agency agrees to pay an annual premium as established by the Local Public Safety and Firefighter Surviving Spouse Trust Fund Board of Trustees. The annual premium shall be based upon the number of members employed by the participating agency, and shall be submitted by the participating agency no later than June 30th each year to the Department of Public Safety Attn. Trust Fund, PO Box 141775, Salt Lake City UT 84114.

2. Eligible Members. With the annual payment, the participating agency agrees to furnish annually to the Department of Public Safety the form certifying the number of eligible members. The participating agency expressly authorizes the Utah Retirement Systems (URS) to provide to the Utah Department of

public safety and firefighter members, as requested for auditing purposes. Premiums paid by an agency for members who are not eligible for reimbursement from the fund are non-refundable.

3. Reimbursement of Shared Costs. The Commissioner agrees to reimburse the participating agency on an annual basis for the costs of health coverage for an eligible surviving spouse and children from the Local Public Safety and Firefighter Surviving Spouse Trust Fund. A request for reimbursement of health coverage costs shall be submitted to the Department of Public Safety, Attn. Trust Fund by June 30th of each year on a form approved by the Board, in addition to a statement provided by the group health plan that includes the agency's cost for health coverage for the surviving spouse and children of the fallen officer.

4. Books and Records. The Department of Public Safety shall maintain appropriate and accurate books of account and records relating to eligible members, annual premiums paid by a participating agency and reimbursement of health coverage costs from the Local Public Safety and Firefighter Surviving Spouse Trust Fund under this Agreement, and such books of account and records shall be accessible for inspection by representatives of the participating agency at any time during normal business hours. Except in the ordinary course of business of the Department of Public Safety shall use reasonable efforts to keep confidential any and all information they may obtain from time to time in connection with the services they render under this Agreement.

5. Term. This Agreement shall commence on the Effective Date and shall be coterminous providing that annual premiums are kept current by the participating agency.

6. Binding Nature of Agreement. This Agreement shall be binding upon and inure to the benefit of the parties hereto as provided in this Agreement.

7. Entire Agreement. This Agreement contains the entire agreement and understanding among the parties hereto with respect to the subject matter hereof, and supersedes all prior and contemporaneous agreements, understandings, inducements and conditions, express or implied, oral or written, of any nature whatsoever with respect to the subject matter hereof. This Agreement may not be modified or amended other than by an agreement in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

Jess L. Anderson, Commissioner of Public Safety

Signature: _____ Date: _____

Local Public Safety and Firefighter Surviving Spouse
Trust Fund Board Chair

Agency Administrator

Signature _____ Date: _____

Title: _____