

**Sunset City Corporation
City Council Minutes
November 07, 2023
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Minutes of a regular meeting held November 07, 2023 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Pro-Tem Wiggill presiding.

REGULAR SESSION

Mayor and Council Present:

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

City Employees Present:

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

Excused:

D Howard Madsen	Mayor
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Others Present:

Mike Hansen	Hansen Planning Group
Mark Morris	VODA
Scott Stevenson	Planning Commission
Hope Thompson	Sunset Resident
Marty Tanner	Sunset Resident
Mark Becraft	North Davis Fire District
Curtis King	North Davis Fire District
Amber King	North Davis Fire District

The regular session was called to order at 6:33 p.m. by Mayor Pro-Tem Wiggill.

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

Regular Meeting:

Approval of Minutes: Recorder Supp informed Council she made a change to October 3, 2023's minutes. She corrected Mayor Pro-Tem Wiggill was the one who was presiding over the meeting not Mayor Madsen. Council Member Macfarlane made a motion to approve the meeting minutes for September 19, 2023 as presented and October 3, 2023 with the correction Recorder Supp stated and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane Rigley and Smalling voting yes.

Public Comments: Hope Thompson: 1613 N 350 W – Ms. Thompson approached Council questioning why the bathrooms at the parks were closed during the winter months. She stated the parks are used and open year-round so why are the restrooms closed.

Council Member Bangerter asked if Marty Tanner would introduce himself. Mr. Tanner stated he has lived in the City for 33 years. He recently retired from Home Depot and he is here to listen and learn.

- 1. Consider Allowing Use of Sunset Room for Community Yoga with Hope Thompson:** Hope Thompson articulated the City used to have community events that brought the residents together; once the recreation department was taken away there has been a loss in community togetherness. The City has a large room that could be used for events and it is not being utilized. She shared she is a part of a yoga group, where they have been meeting in the park but now that winter is upon us, they no longer have a place to meet. The Sunset Room is a wonderful gathering spot and would like to see if the City Council would allow her to use the Sunset Room for free for a Community Yoga event once a week for one hour. The current rate is \$250 deposit plus the fee of \$250 for a four-hour block. There are 7-8 people who regularly join the group for yoga. The class is taught by a licensed yoga teacher, she provides the mats and it is held on Thursdays from 6pm to 7pm. Council Member Rigley asked if the class is it free. Ms. Thompson replied it is free but based on donations for the instructor's time. Council Member Macfarlane informed Ms. Thompson the Senior Center holds a yoga class three times a week. She said the reason the City hasn't done a yoga class is because the Senior Center has classes and citizens already pay for the services with the County taxes. Council Member Macfarlane stated the classes are not just for seniors, they have all ages join the yoga classes. Ms. Thompson said the yoga classes are not advertised for the residents so she wouldn't know about it, plus she is not considered senior age. Mayor Pro-Tem Wiggill called for point of order due to too many people discussing at one time. Council Member Bangerter liked the idea of doing a community yoga class but suggested she wait until she is an elected official in January to readdress this agenda item. The City used to have recreation classes like yoga but when the recreation department was taken away due to the recession and the Covid pandemic volunteerism went down and so did community events. Council Member Rigley articulated she appreciates Ms. Thompson's desires to come up with these ideas and as the Council Member who has been over Community Events, she hopes it is noticed that although there's not constant community togetherness events, there are events. The events she puts together take a lot of hard work and dedication. Council Member Rigley stated she hopes the residents don't feel like there's not anything happening in the Sunset Room because she utilizes it a lot. Council Member Rigley commented she feels it is highly valuable to hear Ms. Thompson come up with these ideas and when she becomes a Council Member, she would be happy to collaborate with her. Mayor Pro-Tem Wiggill summed the conversation up by stating the Council encourages her to bring her ideas to the table again once she is on Council.
- 2. Consider "Small Business Saturday" Event with Hope Thompson:** Hope Thompson asked Council to consider bringing a small Farmers' Market type event into the City to utilize the Sunset Room year-round as a Small Business Saturday event. She spoke with the people who

run the Farmers' Market and they have more vendors than just food vendors, there are actually a lot of small business owners in the City who make different homemade goods and crafts. Since the Farmers' Market is May to September Ms. Thompson thought it would be great to have the Small Business Saturday event from October to April in the Sunset Room once a month with 10-15 vendors. She suggested naming the days for certain months such as Yule Market for December, Lovers Lane for February, etc. Her hope is to approach the people who run the Farmers' Market and see if they would be willing to work with her on the event. Ms. Thompson stated it would help generate revenue if the Sunset room is sitting empty and shows the City cares about the residents and their hobbies. Council Member Bangerter said he likes the idea but there are things to consider such as more people would be traveling through so there would be more wear and tear on the carpet and doors. Public Works would also have to set up for it so wages are involved. He feels there would need to be a fee charged. Council Member Smalling liked the idea of the event being once a month because the room is utilized and is rented out to generate revenue. Mayor Pro-Tem Wiggill suggested the item be tabled until further information could be gathered and Ms. Thompson is appointed to be a Council Member.

Council Member Bangerter made a motion to table agenda item number two and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

3. **Discuss Subdivision Utah Code Updates with Mike Hansen:** Mike Hansen introduced himself from Mike Hansen Planning Group. He stated he is here to solve one problem which is the State mandate for all cities to update their Subdivision Ordinance which was changed in the spring legislative session this year, Senate Bill 174. The mandate is funded by the State and needs to be written in a certain way prescribed by the State. This law changes how local land use ordinances governing subdivisions are handled in the State and requires local governments to update their ordinances accordingly. The purpose of this Subdivision Ordinance update is to produce a subdivision code and administrative process that will help the City comply with current State statutes and planning best practices. This update is due by Christmas of 2024 at no cost to the City. Mr. Hansen explained the City would need to do a memorandum of understanding with just one of the six consultants in the consulting pool. Council Member Macfarlane questioned how this would work with the Form Base Code the Planning Commission is working on. Scott Stevenson from the Planning Commission asked how this impacts Sunset. Mr. Hansen replied this is more of an administrative act instead of a legal act. If someone came in with a commercial development today there is a process, they would have to follow this allows the City Council to be the final approver of commercial. Mr. Stevenson said the City doesn't have areas to develop this would only be applied to redevelopment. Council Member Bangerter and Council Member Macfarlane shared they understand it needs to be done. Council Member Smalling commented the City is deep within the Form Base Code process and feels if we can work together to implement both it would be good. Council thanked Mr. Hansen and let him know they would do their homework and get back with him.

4. **Discussion with Mark Morris on the Form Base Code Draft:** Mark Morris from VODA and Scott Stevenson Planning Commissioner provided Council with an update to the draft of the Form Base Code and the goals of supporting redevelopment. The main focus has been the redevelopment efforts on 1800 North when the interchange comes in. There will be more demand for redevelopment there. Most of the City is untouched by the Form Base Code. Mr. Morris explained the impact of redevelopment in a concentrated area will mean a lot of flexibility and letting the market drive. He presented the Council with the new zoning map showing the three form districts. With the Form Base Code once redevelopment starts to happen 1800 North will feel like the center of Sunset. Mr. Morris articulated there will be quite a bit of land on the East side of Main Street where the City has an opportunity to develop a relationship with Woodbury the developer and show them the vision of Sunset. He said he spoke with the project manager at MIDA and he recommended connecting with Woodbury and working together. He said from the sounds of it they may be looking at multifamily development. Mr. Stevenson expressed the Planning Commission would appreciate the Mayor or member of Council to open up the dialogue with Woodbury to express creating a mirror image of what the City is looking to have on our side of Main Street. Council Member Smalling likes the idea of starting communication with Woodbury to get Sunset's voice heard since it is a small City. Council Member Bangerter suggests it be a City Staff who makes contact because elected officials will move on, it should be a member of staff who will be around for a while.

Mr. Morris reiterated the intent of the Form Base Code is as redevelopment happens buildings can be reused. The Form Districts drive the code and create a consistency with context. The prototype is the key to understanding. There is flexibility in Form Base Code and is done a piece at a time. The ground floor uses will drive activation. Council Member Macfarlane thanked Mr. Morris and Mr. Stevenson for providing a great overview of the Form Base Code. Council Member Bangerter as what will happen with the school properties. Mr. Stevenson said Fremont Elementary is the only school included in the Form Base Code since it is closing; because it is adjacent to Smiths the thought was uniformity and have it match its frontage. It would be considered neighborhood center form.

Mr. Morris shared the use of a building is always in consideration but it is more flexible. He explained the code has triggers to reduce residents from feeling restricted. Mr. Stevenson stated there is no intent to restrict anyone. Mr. Morris explained if you do not cross a certain line, you do not have to come into compliance with the Form Base Code. For example, a trigger would be if you are doubling the size of the building.

Council Member Macfarlane asked what is form. Mr. Morris explained form is the footprint, parameters, transparency and ground floor. The ground floor cannot be a blank wall there must be pedestrian activation. Council thanked Mr. Morris and Mr. Stevenson.

5. **Discuss the Contract for City Property Located at 1913 N 400 W:** Council Member Bangerter stated the current renters have not fulfilled their contract with the City to purchase the home. They have informed him they will be out by the end of November. Council Member Bangerter recommends the City continues to rent the home until it sells with a realtor but raise the rent to \$1,800 and using the \$1,000 earnest money to fix things in the home. He then suggested letting the current renters stay until it sells while increasing the rent

to \$1,800 but using the \$1,000 earnest money they paid to go towards their rent for December. Council Member Macfarlane conveyed she would like to use the earnest money to fix what needs to be fixed in the home and then sell it. Council Member Smalling agreed. Council Member Bangerter feels it would be foolish of the City to not rent it out until it sells to generate revenue and prevent the pipes from freezing. Council discussed the options. Director Monroe questioned if the Council had any reservations on using the house as an entrance to the proposed detention pond park. Council Member Bangerter said the house could be held onto for the redevelopment to create the entrance, the City would need to budget to make that happen. Mayor Pro-Tem Wiggill reiterated the Council would like to allow the current renters to leave with their suggested date of the end of the month, keep the earnest money for repairs and continue renting the home with the increased rent of \$1,800. Council Member Bangerter asked this item be put back on the agenda in a work session.

Council Member Rigley made a motion to remove the timeline in the Maintenance Worker job description and Council Member Macfarlane seconded the motion. The motion passed unanimously with Council Members Macfarlane, Rigley and Smalling voting yes.

6. **Mayor, Council and Department Head Reports:** Council Member Macfarlane appreciated the discussion on the Form Base Code. At the Senior Center they are doing Ti-Chi on Tuesdays, enhanced fitness on Wednesdays and Thursdays and yoga on Fridays. Council Member Macfarlane expressed she has seen some of the residents doing some nice xeriscaping, she is impressed.

Council Member Bangerter conveyed he is not enthralled with the way Connex is restoring the yards after excavation. He recently xeriscaped his yard and Connex came in and dug a hole and did not replace the dirt so he did it himself. He is excited to have Connex come into the City but was not impressed with the lack of restoration on his yard. He would like to have a Connex representative come and provide Council with an update on their progress. Council Member Bangerter went on to Economic Development stating the City has six units within the Plaza cannot do anything unless they obtain all the units. He has been reaching out to the owners to see if any of them want to sell or buy units. Only one owner said they would sell. One of the owners Mr. Talebrezia passed away so he is having a hard time reaching someone to talk to with his company. He is asking for permission to sell the six units at \$14,000 apiece. Council Member Macfarlane felt the City should hold out on selling.

Council Member Smalling reported the Veterans Program is this Saturday at 4:30pm. There will not be a speaker from Hill Air Force Base this year because no one responded to her emails. She feels the representatives from the base did not make the City a priority because we are a small city. This year for the program she has a pianist and flautist coming to play live music. The piano in the Sunset Room needs to be tuned and has a broken key so she is working on fixing it before the program. Council Member Smalling shared the lyrics for the National Anthem will be printed on the tables for the Veterans to sing this year. The Youth Council will be helping serve the Veterans. She has the flowers and decorations and is very excited. Council Member Smalling informed she will attend the Mosquito Abatement meeting on Thursday. Mayor Pro-Tem Wiggill assured Council Member Smalling the

Veterans Program will be amazing. Council Member Macfarlane said she is handing off Michael Love's donation to the Veterans Park to her. Council Member Smalling expressed she will reach out once the Veterans Program is over.

Council Member Rigley shared the Youth Council have been working on some amendments to the charter. The youth are excited to help serve at the Veterans Program and are already talking about ideas for Winterfest and their next service project.

Police Chief Jamison informed Council he has received his new police vehicles. Mayor Pro-Tem Wiggill asked if they have their decals on. Chief Jamison stated two of them do and the last one is going in tomorrow to get decaled. The Police Department had to go through a Spillman upgrade and it was an IT nightmare. The printouts sent to Council have different settings now so it will look different when it comes across so if anyone has questions to reach out. Chief Jamison reported his newest officer Pierce Hardy is coming along, he is about half way through his training. Mayor Pro-Tem Wiggill thanked Chief Jamison and stated he is excited for the new vehicles; they are a representation of who we are as a City.

Director Monroe addressed the question from the public comment. His stated the bathrooms are winterized once the temperature goes below thirty-eight degrees. There is no heat in the bathrooms. The Senior Holiday Luncheon will be on December 13th at 11am in the Sunset Room. Council Member Bangerter asked how we will be advertising. Director Monroe stated it will go on the water bills and the website. Council Member Bangerter said it is a great event for the seniors. Council Member Smalling offered in her closing remarks at the Veterans Program she will mention the luncheon. It will also be put on the marquee.

Recorder Supp shared with Council it has been busy in Administration. We have our Utility Clerk out for surgery the rest of the week so she asked for patience while having a lot of new staff members. She informed Council the new Administrative Assistant Frank Eberling started yesterday. Recorder Supp stated Deputy Recorder Markel is doing well in her training. She reminded Council the office will be closed on Friday for Veterans Day. Council Member Macfarlane asked if the Administrative Assistant was approved by Council. Recorder Supp stated the position is former employee Jana Danzer's position with a different title; instead of listing it out as a clerk for all of the different tasks the title was reformed into Administrative Assistant. Council Member Macfarlane asked if Jana quit, Council Member Rigley informed her Ms. Danzer passed away. Council Member Bangerter said when hiring someone he believes it is policy to ask for Council's approval. Director Monroe confirmed per policy three Council Members should approve to hire. Council Member Bangerter stated it is okay everyone approves to fill the position but Council should be informed prior. Mayor Pro-Tem Wiggill said he was aware.

Fire Chief Becraft introduced Deputy Chief Curtis King. Mr. King is also the new Fire Marshall. He has been with North Davis Fire District for 21 years. Chief Becraft announced Mike Rawlings will be the new Deputy Fire Marshall, he will bring him to the office to get familiar with the building permit process. Mr. King thanked Chief Becraft and Council. He reiterated he has been with the district for 21 years. He brought his wife Amber with him to

the meeting and she has been a big supporter of the Fire District. He has three daughters and lives in Syracuse. He is excited to be here. Chief Becraft shared Mr. King brings 25 years of experience from Layton City in the Public Works engineering department, this experience will help out immensely when working on plan reviews. Chief Becraft conveyed Sunset had a busy month in October. There were 41 medical calls and 5 fire calls. The District is moving to Layton's dispatch on the 28th of November. Layton will be building a new safety center and the north end of the County will be coming on board as well. This is a cheaper option for the District. Council Member Macfarlane asked if this decision was made by the County. Chief Becraft stated it was Clearfield City and the Fire Board's decision. It will be a good move for the District and Davis County. Mayor Pro-Tem Wiggill asked for an update on the new station. Chief Becraft explained the construction is moving along great, bricks are going on soon and the ribbon cutting is set for April of 2024. Mayor Pro-Tem Wiggill said he is excited for Mr. King to take the lead and feels it was a positive move forward. He expressed his appreciation for Mr. King. Council Member Smalling shared her support for Mr. King.

Council Member Macfarlane made a motion to take a five-minute break and then go into the work session and Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

WORK SESSION

- 1. Discuss the Vacation Cash Out Policy:** Director Monroe reiterated the request is to remove the timing restrictions of how many years you have worked with how many hours can be cashed out. He feels the last sentence should read "In the event that an employee in good standing is in possession of 400 or more hours of vacation, is eligible for 100 hours to be paid out. He raised a concern with the vacation cash out being in conjunction with a hardship. He asked if Council would be in favor of creating a separate line item at budget time and setting aside \$2,000-\$3,000 for employee hardship. He feels this would be a good way to show the City cares about their employees. Council Member Macfarlane asked everyone has different hardships, how will you be able to decipher whose hardship is more important how will you make it fair. Chief Jamison shared rarely will you come across a hardship. He said since he has been Chief, he has only had one employee ask him. However, if the Council would have funded the vacation cash out the employee would not have had to ask about a hardship. Director Monroe stated criteria would have to be set by the Mayor. Mayor Pro-Tem Wiggill said the department head would have to contact the Mayor and three Council Members would have to support the hardship so it would be fair. Council Member Bangerter asked how it would be funded. Director Monroe suggested a new line item in the General Fund. Council Member Bangerter asked how will we plan to budget for it. He said it is a great program we offer but we never budget for it so the employees never get to use it. Director Monroe shared he has asked the Mayor we start budget season sooner so things won't be rushed and we can work through them. He suggests it is budgeted in the beginning instead of leaving it till the end when there is no room for it in the budget. Council liked the idea of adding it in the budget in the beginning. Mayor Pro-Tem Wiggill thanked the Department Heads for being proactive and not reactive.

Council Member Rigley made a motion to adjourn the work session and Council Member Bangerter seconded the motion. Council Member Bangerter made a motion to adjourn and

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Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

The meeting adjourned at 8:41 p.m.

Approved – December 05, 2023

D Howard Madsen, Mayor

Nicole Supp, Recorder