

**Sunset City Corporation**  
**City Council Minutes**  
**November 5, 2025**  
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Minutes of a regular meeting held November 5, 2025 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Wiggill presiding.

**REGULAR SESSION**

**Mayor and Council Present:**

Scott Wiggill	Mayor
Ricky Carlson	Council Member
Nancy Smalling	Council Member
Hope Thompson	Council Member

**City Employees Present:**

Recorder Supp	Recorder
Brett Jamison	Police Chief
Beau Fullmer	Public Works Ops Manager

**Others Present:**

Marcia Hamblin	Sunset
Robert Smalling	Sunset
Joseph Cook	Ascend Development
Henry De'Varona	Ascend Development

**Excused:**

Sam Bartling	Council Member
Nakisha Rigley	Council Member
Jason Monroe	Public Works Director

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

Council Member Smalling gave a prayer/inspirational thought and led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** Council Member Thompson stated she had a question on the minutes. Recorder Supp asked which set of minutes was being referenced. Council Member Thompson explained that the concern was in the regular meeting minutes, not the special meeting minutes. She noted that the minutes stated that two Council Members voted yes, one voted no, and one did not vote. Recorder Supp responded that this was the concern Council Member Bartling had raised as well and asked if Council Member Thompson remembered which page it appeared on. Recorder Supp clarified that the actual vote had been three yes votes, one no vote, and one abstention, and therefore the motion had passed by majority. Council Member Thompson stated that this made sense but said that during training the Council had been taught that on a five-member body, four votes were needed for something to pass. Council Member Carlson responded that this requirement applied only to a closed meeting. Council Member Thompson thanked Council Member Carlson for the clarification.

Council Member Thompson made a motion to approve the meeting minutes from October 7, 2025 and October 20, 2025 as presented and Council Member Smalling seconded the motion.

The motion passed unanimously with Council Members Carlson, Smalling and Thompson voting yes.

**Public Comments:** There were none.

**Regular Meeting**

1. **Discuss and Approve Amendments to the Plat for Falcon Ridge Building #2:** Mayor Wiggill invited Joseph and Henry to present. Representative, Mr. Cook, explained that the master plan for all three building sites on the Falcon Ridge property had already been recorded. The current item was an “as-built” plat, meaning the surveyor had come in after the building was constructed and documented the exact locations of the condominium unit walls and the airspace purchasers would own. He described how pages two and three showed the locations of all units—101, 102, 103, and so forth through the fourth floor.

Council Member Thompson asked what amendment was being proposed.

Mr. Cook stated that the amendment added the individual condominium airspaces. The master plat showed only the building footprint, but condominium buyers owned the airspace from the unfinished sheetrock to the unfinished floor and ceiling, and the amendment documented that space for all 61 units.

Council Member Thompson stated she was confused. Mr. Cook clarified that the amendment applied only to Building No. 2 and defined each condominium’s airspace. He acknowledged that there were technical details involved. Mayor Wiggill commented that condominium owners could not remove walls or encroach into a neighbor’s unit.

Mayor Wiggill asked whether there were further questions for Mr. Cook and, hearing none, requested a motion.

Council Member Thompson made a motion to approve the Falcon Ridge Building #2 Plat Amendments and Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Carlson, Smalling and Thompson voting yes.

2. **Discuss Terms for the Development Agreement for the Ascend Land Development Project:** Mr. Cook reviewed the prior discussion, explaining that the remaining unresolved issue was the length of the development agreement term. He said he was agreeable to a three-year term, but if they were unable to obtain construction financing despite reasonable efforts, he wanted an automatic extension for one year, potentially up to five years total. He described the difficulty of securing financing and the unpredictability of lenders.

Mayor Wiggill restated the request: a three-year term with a two-year buildout, plus a one-year extension if reasonable efforts failed to secure financing. Mr. Cook said they hoped for the ability to extend up to five years, beginning with three and adding time only if financing could not be obtained.

Mayor Wiggill invited questions.

Council Member Thompson noted that this approach appeared to place the Council back at the original timeframe previously discussed. Council Member Carlson noted that the issue was only if the developers encountered bank-related problems. Council Member Thompson agreed but reiterated that it resembled the prior request.

Mayor Wiggill clarified that the terms remained three years plus two to complete construction, with the one-year extension only if financing could not be secured. Mayor Wiggill emphasized that the earlier reference to four or five years was only an example and that the Council could determine the specific terms.

Council Member Smalling stated she wanted to ensure that the developers would pursue financing diligently.

Council Member Thompson stated that it felt like the discussion had returned to the original request—three years plus additional time if financing was not obtained—which seemed similar to the initial five-year request.

Mr. Cook asked why a five-year term was viewed negatively, given the significant investment developers had already made and the absence of harm to the City. He noted that water and sewer allocations were handled by other agencies, not the City.

Council Member Smalling expressed concern about a partially built structure if financing failed after construction began, especially given the location along Main Street.

Mr. Cook responded that partially completed construction was a separate issue from entitlement periods. He explained the risks developers already carried, the costs incurred, and the need for certainty while finalizing plans, bidding, and obtaining financing. Henry DeVarona addressed the concern about a half-built building, explaining that lenders would not finance only part of a structure; once financing was secured, it would cover the entire building.

Council Member Smalling noted that timely financing benefited the developers as well. Mr. Cook agreed, stating that developers only earned returns after bearing significant risk and securing financing, then successfully selling the completed units. Council Member Thompson asked what incentive the developers had to complete the project.

Mr. Cook explained that he purchased the property in October 2021, had experienced delays due to engineering reviews, and were motivated financially and practically to complete the project.

Mayor Wiggill summarized options for that evening: the Council could establish the terms—such as three years with a one-year extension upon demonstrated due diligence and a two-year build period—and approve those terms subject to legal counsel drafting the agreement.

Mr. Cook said the developers hoped for a three-and-two-year extension structure.

Mayor Wiggill asked for any final questions or comments from the Council or the developers.

Mr. Cook added that recent state law removed a City's ability to require a development agreement if a project complied with zoning and code, and therefore the developers hoped the City would agree to five years with two extensions.

Recorder Supp asked for clarification on the final terms and requested the statutory citation mentioned.

Mr. Cook provided the citation as Utah Code 10-9a-532 and stated that municipalities could not require development agreements as a condition of development if zoning requirements were met.

Henry DeVarona stated that even with the proposed changes, the developers would still need to diligently pursue financing.

Recorder Supp explained that she had brought the issue to the City Attorney because, in Recorder Supp's view, the BMU zone—written with input from these developers—required a development agreement. Recorder Supp stated that the City Attorney, after reviewing the applicable code and the project history, still believed a development agreement was necessary due to certain terms involved. Recorder Supp added that the City Attorney could be brought in electronically if needed.

Mayor Wiggill stated that the developers were missing the point, explaining that the City's legal team had reviewed the matter and determined that the project did not meet the statutory requirements referenced by the developers.

Mr. Cook responded that the civil engineer believed the project met those requirements.

Council Member Thompson asked if the City were grandfathering some items, the City would be grandfathering everything. She clarified that the City had discussed the old and new Form Base Code, noting that the project did not fall cleanly under the new code because it began under the old standards. Council Member Thompson asked if the City was applying the old rules, the City should apply all the statutes that were in effect at that time.

Mr. Cook stated that the statute being discussed was new and that the state had changed the law.

Mr. Cook said the state ombudsman had given a specific explanation but did not want to get further into legal analysis. He added that the developers hoped an agreement could be reached.

Mayor Wiggill stated that the legal questions could lead into a separate, larger issue. Mayor Wiggill said that if the Council could reach an agreement that night, the City could avoid that broader conflict. Mayor Wiggill asked whether the Council supported the earlier example: a three-year term with a one-year extension (“bump”) if, after due diligence, the developers still could not obtain financing, along with a two-year build-out period. Mayor Wiggill asked whether anyone wanted to expand on those terms.

Council Member Carlson stated support and noted that the inclusion of “due diligence” was important. If due diligence could be demonstrated, then the extension could be granted.

Mayor Wiggill asked whether there were any other questions, concerns, or proposed time changes.

Council Member Thompson reviewed the code mentioned by Mr. Cook and stated she reviewed legal documents multiple times to ensure understanding.

Mayor Wiggill asked if there were further concerns. Mayor Wiggill reiterated the terms—three years with a one-year extension and a two-year build-out—and asked if the Council was prepared for a motion.

- 3. Approve Development Agreement for the Ascend Land Development Project Based on Discussion and Changes from Agenda Item #2:** Recorder Supp clarified the terms again: three years, one one-year extension, due diligence requirement, and a two-year build-out period. Recorder Supp asked if those were the terms being agreed upon.

Council Member Thompson stated that the developers wanted two one-year extensions.

Mayor Wiggill stated that the Council was offering one one-year extension and asked whether the developers would accept that if it could be approved. Mr. Cook stated that he could accept those terms and that it was essentially the same structure they had discussed previously.

Council Member Carlson made a motion to approve the Development Agreement with the terms outlined in item #2 and Council Member Smalling seconded the motion. The motion passed with majority by a roll call vote with Council Members Carlson and Smalling voting yes and Council Member Thompson voting no.

- 4. Mayor, Council and Department Head Reports:** Council Member Carlson shared that he had spent time speaking with Recorder Supp about the work involved in preparing minutes and expressed appreciation for Recorder Supp’s efforts.

Council Member Thompson explained that several government meetings had been postponed for RAB and MIDA. Her UTA meeting was next week. Council Member Carlson asked about a “new plume” in Sunset. Council Member Thompson noted that she could share some information from a committee meeting, but it was incomplete and would share once she had her next meeting. She expressed excitement for the upcoming

Bingo Night/ food drive/warm clothing drive. Council Member Thompson encouraged residents to join the Citizens Police Academy, describing it as an amazing opportunity.

Council Member Smalling first thanked those who participated in the election that year, including voters and candidates. She expressed hope that those who were not elected would consider running again in the future, noting the value of civic engagement and the challenge of making difficult decisions, as the Council had done that night. Council Member Smalling also spoke about the Candy Crawl event on the 24th, describing it as highly attended and very enjoyable. She noted that attendees from other cities had come and that it showcased Sunset well. Council Member Smalling hoped the City could host similar events again. Council Member Smalling reported attending the Mosquito Abatement conference in Park City, where she learned about different spraying methods, including drones, vehicle spraying, and plane spraying. She stated that the best technique depended on the terrain. Council Member Smalling also shared information about positive test pools for West Nile virus found in small backyard items, including a child's overturned toy shovel. She reminded residents to empty standing water and noted that Davis County had two West Nile-related deaths that year. Council Member Smalling expressed excitement for the upcoming Veterans Program on the 15th, noting it was the 50th anniversary of the end of the Vietnam War and that the groundbreaking event for the Agent Orange monument would occur the same day after the Veterans Program. The invitations had been mailed and sent. She thanked Recorder Supp and staff for helping with them.

Mayor Wiggill noted that the public works director was excused but Operations Manager, Beau Fullmer, was present. Mayor Wiggill invited Ops Manager Fullmer to speak. Ops Manager Fullmer stated there was nothing new to report but offered to coordinate with Council Member Smalling regarding preparations for the Veterans Program. Council Member Smalling stated she would connect him with the correct person in charge of that portion of the event. She noted the hope to have a ceremonial pile of dirt ready for the groundbreaking but acknowledged logistical factors.

Chief Jamison had nothing to report.

Mayor Wiggill asked when overnight parking restrictions would begin? Chief Jamison responded that overnight parking would not be allowed beginning November 15. Mayor Wiggill thanked Chief Jamison and noted that the City would share that information on social media.

Recorder Supp reported that Administrative Assistant/Court Clerk, Robyn Scroggs, had submitted notice and would be moving back to Alabama to be with family after her spouse's retirement. Recorder Supp explained that the position had been posted during the week of Halloween, that numerous interviews had been conducted, and that second interviews would take place on Monday. Recorder Supp noted that the position was a court clerk/administrative assistant role and that the judge wished to participate in the second-round interviews.

Mayor Wiggill noted that the City had received a surprising number of applications. Recorder Supp stated there were around fifteen or sixteen applicants. Mayor Wiggill stated that the first-round interviews had produced several strong candidates and that staff were now working to narrow them for the second round. Mayor Wiggill expressed confidence in staff's process and the quality of the applicants.

Mayor Wiggill expressed appreciation for the Candy Crawl event, he thanked all department heads for ensuring employee participation, stating that the event had been extremely successful. Mayor Wiggill praised the Council Members and administrative staff for attending in costume and contributing to a fun, positive event. Mayor Wiggill gave additional recognition to Recorder Supp and staff for organizing donations, planning, and coordinating event operations. Mayor Wiggill expressed appreciation for the photo opportunities and equipment displays for the children that made the event memorable.

Mayor Wiggill then spoke about the recent election, acknowledging the efforts of all candidates, including those who ran for Mayoral seat and Council seats. Mayor Wiggill noted the personal and financial commitment required of candidates and shared appreciation for their participation. Mayor Wiggill expressed gratitude to the residents of Sunset for voting and stated excitement for the upcoming four years and the opportunity to work with what he believed would be a strong team.

Mayor Wiggill concluded with remarks about the North Davis Fire District. Mayor Wiggill said the department responded to 45 calls in the past month, including fires and numerous lift-assist calls for residents who needed help standing or moving. Mayor Wiggill emphasized the importance of these services for elderly residents and expressed appreciation for both the fire department and police department.

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

The Regular meeting adjourned at 7:10 p.m.

Approved – December 2, 2025

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Scott Wiggill, Mayor

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Nicole Supp, Recorder