

Sunset City Corporation
City Council Minutes
May 21, 2019
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Minutes of a regular meeting held May 21, 2019 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Madsen presiding.

REGULAR SESSION

Mayor and Council Present:

D. Howard Madsen	Mayor
Chad Bangerter	Council Member
Ricky Carlson	Council Member
Norm Noyes	Council Member
Nancy Greco Smalling	Council Member
Scott Wiggill	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Jason Monroe	Public Works Director
Mark Becraft	NDFD Chief
John Taylor	NDFD Dep. Chief

Others Present:

Joseph Cook	Lofts at Falcon Hill
Karren Thalman	Jay Thalman
Laura Penman	

The regular session was called to order at 6:30 p.m. by Mayor Madsen.

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

Approval of Minutes: Council Member Noyes made a motion to approve the minutes of April 2, 2019, April 16, 2019 and April 30, 2019 as presented. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

Approval of Vouchers: Council Member Carlson made a motion to approve the voucher for Joe's Car Connection in the amount of \$60,010.00. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

Public Comments: Jay Thalman explained he is resident Karren Thalman's son. Mr. & Mrs. Thalman are the property owners where the easement is being requested to upgrade the sewer line. They have been talking with Mr. Cook's partner about the fencing and landscaping, etc. The Thalmans received a letter, but it was not what they agreed to. They were told they would replace the fence on both sides of their property and fix the sprinklers, etc., but the letter contradicts what he said. They are concerned, with that many more homes being brought in, the

1 sewer line could break and flood their basement and feel there should be some kind of avenue to
2 protect them. They are also concerned about the retaining wall of TNT Copper coming down
3 when the line is getting dug up. Those concerns are not being addressed, so they would like to
4 know what would really happen and if a written document would be adhered to.

5
6 Mayor Madsen stated the City will do their due diligence and everything will be in writing with
7 permits and inspections.

- 8
9 **1. Schedule a Public Hearing to receive public input on the Fiscal Year 2019 budget**
10 **amendments and the proposed Fiscal Year 2020 budgets:** Mayor Madsen stated Recorder
11 Hale had suggested holding the public hearing on June 18, 2019.

12
13 Council Member Carlson made a motion to schedule the Public Hearing on June 18, 2019.
14 Council Member Wiggill seconded the motion. The motion passed unanimously with
15 Council Members Bangerter, Carlson, Smalling, Noyes and Wiggill voting yes.

- 16
17 **2. Re-appoint Scott Stevenson and Jason Gabbert for an additional 4-year term as**
18 **Planning Commissioners:** Mayor Madsen stated Commissioners Stevenson and Gabbert
19 said they would like to continue for another term.

20
21 Council Member Bangerter made a motion to re-appoint Scott Stevenson and Jason Gabbert
22 for another 4- year term. Council Member Smalling seconded the motion. The motion
23 passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and
24 Wiggill voting yes.

- 25
26 **3. Appoint Jonathan Ellsworth as Planning Chair and Scott Stevenson as Alternate**
27 **Planning Chair from now through December 31, 2019:** Mayor Madsen stated these
28 appointment should have been done in January, but wasn't and the term will still end in
29 December.

30
31 Council Member Bangerter made a motion to appoint Jonathan Ellsworth as Planning Chair
32 and Scott Stevenson as Alternate Chair. Council Member Carlson seconded the motion. The
33 motion passed unanimously with Council Members Bangerter, Carlson, Smalling, Noyes and
34 Wiggill voting yes.

- 35
36 **4. Consider approval of the Lofts at Falcon Ridge Development located at approximately**
37 **2150 North Main Street:** Joseph Cook had stepped out to talk with Mr. Thalman so the
38 Council moved to the next agenda item.

- 39
40 **5. Consider Resolution 2019-08 approving the interlocal cooperation agreement relating**
41 **to the conduct of Community Development Block Grant Program for Federal Fiscal**
42 **Years 2020, 2021 and 2022:** Mayor Madsen explained this agreement is required for record
43 that Sunset City is still participating under Davis County.
44

Council Member Wiggill made a motion to approve Resolution 2019-08. Council Member Bangerter mentioned the discrepancy of the Resolution number. The agenda item states 2019-08, but the Resolution is 2019-07. Council Member Wiggill amended his motion to state 2019-07. Council Member Bangerter seconded the motion. The motion passed unanimously with a roll call vote: Council Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes, Council Member Noyes – yes.

4. **Consider approval of the Lofts at Falcon Ridge Development located at approximately 2150 North Main Street:** Joseph Cook introduced Jeff Clouse as the General Contractor of the project. Mr. Cook stated the civil engineered plans are approved except for the itemized costs to obtain bonding for the work to be done in the right of way.

Mayor Madsen stated the project is short on parking and shared parking with the commercial units has been requested. Mayor Madsen said he wanted to go on record as being against shared parking. He believes there are other issues regarding parking.

Mr. Cook read Sunset City Code 10-5F-4.A, “Sunset City desires to encourage the redevelopment of smaller sites by providing a more flexible approach to parking and to make efficient use of available on-street parking. The amount of off-street parking required may be reduced by an amount that can be demonstrated may be in demand at different intervals of time throughout the day.” During the day, when the parking lot is virtually empty, he proposed that 30 of the stalls be allotted to commercial use from the first floor of the buildings. There are 239 parking stalls on site and they need 27 of those to be shared during the day from approximately 9 a.m. to 5 p.m. He stated this is a pretty common thing in a mixed use development. Mayor Madsen stated the ordinance says the developer can propose that, but nothing says the Council has to allow it. Mr. Cook stated he would appreciate the Council’s consideration because they are putting more commercial into the City.

Council Member Bangerter stated what benefits Sunset is retail type commercial businesses. He said Mr. Cook had mentioned before that he was leaning more toward office type businesses. Council Member Bangerter was thinking more of a sandwich shop or that type of business. Mr. Cook stated they can also make use of off-street parking and they have 400 feet of frontage along Main Street, so over twenty people could parallel park there while they got their food. Mr. Cook stated he has a client who is interested in putting an assisted living business in there. His concern is sometimes the commercial units of a mixed use development are hard to lease out. A lot of that is due to online marketing. He believes there is a stronger market for office space and secondarily something like a sandwich shop. Council Member Bangerter advised Mr. Cook that in the winter no one can park on the street overnight. Mr. Cook stated he is not counting on on-street parking; he was just saying they have that frontage.

With the amendments he had to make to their original plans, they lost 13 parking stalls, so they combined two one-bedroom units into a two-bedroom unit enough time to get the stalls back. With the number of stalls required, they are short 27 stalls. Mayor Madsen believes the

1 development needs more land or less units. He does not want to give up on the parking issue.
2 Mr. Cook argued that the ordinance encourages shared parking to make more efficient use of
3 the parking area. Mayor Madsen is concerned about this because when the development is
4 all finished any parking deficiency will be left to the residents and City to solve. Mr. Cook
5 said this is why he is encouraging the commercial element to be more office space that will
6 only be utilized during the day.

7
8 Council Member Bangerter asked Engineer Scott Nelson what his opinion is of Mr. Cook's
9 parking proposal. Mr. Nelson replied, not being a planning person, it depends on where the
10 stalls are placed and, regarding assisted living, he wondered if the staff was going to go home
11 at five or if the use require around the clock staffing. He has not heard of any cities
12 having problems because he works on the construction, not what happens after. When asked,
13 Dep. Fire Chief Taylor stated parking doesn't affect the fire perspective as long as they have
14 fire lanes. He believes all of their other concerns have been addressed. When asked,
15 Ellsworth said he believes the parking regulations are pretty in line with the surrounding
16 cities, although Sunset's ordinance requires a few stalls less than Roy does. Shared parking
17 stalls are common practice. With this project, they are sharing less than 10% of the stalls.
18 From the Planning perspective, it makes sense and is an efficient use of land. Their vision
19 was efficient use of land and parking doesn't pay taxes. They would like Sunset, especially
20 Main Street, to be walkable and have a more urban feel so this is in line with that vision. He
21 believes any business coming in will either be a 9 to 5 type or they will look somewhere else
22 due to the parking situation. He also expects that more people in this type of development
23 will only have one car. Mr. Cook pointed out that the stalls along the north and south sides
24 of the buildings will be allotted for commercial use during the day so they can access the
25 commercial businesses easier.

26
27 Council Member Noyes stated he is more concerned about storm water, sanitary sewer and
28 those types of things. He would like to hear from Mr. Nelson that those items have been
29 adequately addressed and he is confident that the system will handle the load; especially the
30 storm water. Mr. Nelson stated he is most comfortable with the storm water and explained
31 the system he is requiring. He is not completely comfortable with the sanitary sewer because
32 he has not yet received from them an entire evaluation from their site to where it leaves the
33 City. If there is a bottleneck downstream he needs to be notified immediately so it can be
34 rectified. Otherwise he believes it is okay. Council Member Noyes believes the City is
35 already maxed out for storm water in that area. There has been flooding in the past, so
36 adding any additional storm water in that area is a concern to him. Mr. Nelson stated they
37 would look at it right away.

38
39 Council Member Bangerter made a motion to approve the Lofts at Falcon Ridge
40 development with the conditions that the cost estimate and the bond are prepared and
41 presented to the City, the easement is obtained and the storm water and sanitary sewer
42 concern is addressed with a written statement to the Council that the items have been
43 addressed. Council Member Wiggill seconded the motion. The motion passed 4 to 1.
44 Council Members Bangerter, Smalling, Carlson and Wiggill voted yes and Council Member
45 Noyes voted no.

6. **Consider Resolution 2019-07 approving a Professional Services Agreement for Attorney Services with Daines & Jenkins, LLP:** Attorney Dustin Ericson had a previous engagement and was not present yet, so the Council started item #7 until Mr. Ericson arrived.

7. **Mayor, Council and Department Head Reports:** Council Member Noyes stated the sewer line off of 2575 North that was discussed during the last meeting should be discussed during a work session as soon as possible so they can review what Mr. Holbrook said and make sure the City is protecting its residents. The other Council Members agreed.

Council Member Wiggill stated the NDFD Board meeting was held on May 16th and it was a very busy night with three public hearings. One was about a program to charge mitigation rates for emergency and non-emergency services, the second was to present the NDFD fee schedule and the third was to approve their tentative budget. There were no comments by the public so all were then passed via resolutions. Deputy Chief Taylor was acknowledged for finishing his Master's Degree. Council Member Wiggill asked him if they could have a multi-city meeting to make use of his knowledge in helping the cities with a disaster. He thanked Chief Becraft and Dep. Chief Taylor for attending tonight's meeting.

Council Member Smalling attended the Mosquito Abatement Board meeting on May 9th. They said the Education Program where they take butterfly larvae to schools so the kids can watch the process was very successful. Some of the students want to work with the people in the field. The District is fully staffed and ready for the season. The cooler temperatures are keeping the mosquitoes away for a little longer, but the storms are creating a lot of standing water so she advised everyone to make sure they're dumping any buckets or other items that are gathering water. She found out mosquitoes do not swarm so if you see a swarm, it is not mosquitoes. So far there are no positive cases of West Nile Virus in Utah, however there are some in California. She reported the Youth City Council did a service project at the Lantern House for Mother's Day, where they did cookies and cards for the mothers. She found out it is Public Works Week this week so she thanked the Public Works employees for all their hard work.

Council Member Bangerter agreed with Council Member Noyes about discussing the sewer line in a work session soon. This morning he met with some lighting people that he met during the ULCT conference in St. George. They will put together some diagrams for lighting on Main Street and will address the issue of only being able to light one side of Main Street. The price can differ from \$2,700 to \$4,500 per pole. The Council needs to discuss lighting standards for the City. He thanked all the employees who were in attendance.

Police Chief Eborn stated the new Officer is in the 240 hour Field Training and doing well.

Treasurer/Office Manager Youngdell reminded everyone the City Building will be closed Monday for the holiday.

1 Fire Chief Becraft advised the Mylar for the North Davis Fire District Board re-organization
2 is finally done, Clearfield passed the resolution and the Mylar has been submitted to the
3 County for recording.

4
5 Public Works Director Monroe thanked the Council for allowing him to purchase the
6 vehicles he needed to help them be more efficient. They are preparing the pumpkin patch for
7 the Youth City Council and will plant about 100 plants on the 28th. 250 West will be
8 patched and crack sealed when the weather allows and then do some surface treatment on
9 several roads. They will need to close the skate park in June to rebuild the surface on all the
10 equipment. He would like to put a construction chain link fence around it during that time to
11 keep kids out so they don't get hurt.

12
13 Attorney Ericson arrived so the Council went back to item #6.

- 14
15 **6. (Cont.) Consider Resolution 2019-07 approving a Professional Services Agreement for**
16 **Attorney Services with Daines & Jenkins, LLP:** Mayor Madsen introduced Dustin
17 Ericson, who the interview committee chose for the City & Prosecuting Attorney. Both he
18 and Council Member Bangerter stated Attorney Ericson was very impressive. Attorney
19 Erickson was asked to tell a little about himself.

20
21 Attorney Ericson apologized for being late as he was at another Council meeting that ran
22 longer than he had anticipated. He thanked the Council for the opportunity to work with the
23 City. Over the last two weeks he has met with the Court staff and Police Department and is
24 excited to work with them. He grew up in Box Elder County, graduated from Utah State,
25 went to Northern California for law school and then returned to North Logan to live. He has
26 been representing municipalities for the majority of his career. He is married with three kids,
27 which is where he spends most of his time when he's not working. When asked, Attorney
28 Ericson replied John Jenkins will be the secondary contact for the few times he will be
29 unavailable.

30
31 Mayor Madsen explained the contract includes all Attorney services for the City; both civil
32 and prosecutorial. The City will pay him \$28,800 for prosecutorial services and \$3,600 for
33 civil services for a total of \$32,400 per year.

34
35 Council Member Bangerter made a motion to approve Resolution 2019-07. Council Member
36 Carlson seconded the motion. The motion passed unanimously with a roll call. Council
37 Member Bangerter – yes, Council Member Smalling – yes, Council Member Carlson – yes,
38 Council Member Wiggill – yes, Council Member Noyes – yes.

- 39
40 **7. (cont.) Mayor, Council and Department Head Reports:** Mayor Madsen stated it is nice
41 the City will have three voting members on the NDFD Board now. He attended the UDOT
42 meeting last week in Clearfield. The State projects were discussed. During the public
43 comment period he told them the widening of 1800 North should be done at the same time
44 the I-15 Interchange was being done because it didn't make sense to dump all the new traffic
45 onto the existing 2-lane road. A lot of them nodded their agreement. He will have a meeting

1 with the new Region 1 Director to discuss what Sunset will need. He mentioned the City
2 wanted to beautify the area where the old City Building and asked if UDOT could go in half
3 with them. She asked for some bids so he will be getting a couple from Public Works
4 Director Monroe and then meeting with her again. He will also be scheduling a meeting
5 between the UDOT Director, the Davis School District and himself to discuss the planned
6 ingress/egress of the school buses on 1800 North when the new Jr. High School is built.
7

8 Council Member Bangerter made a motion to go into the work session after a 10 minute break.
9 Council Member Carlson seconded the motion. The motion passed unanimously with Council
10 Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.
11

12 **WORK SESSION**

13 **1. Discuss the FY2019 Budget amendments and FY2020 Budget requests:** The discussion
14 began with the FY19 budget amendments. In summary, the General Fund revenues should
15 be about \$69,000 more than anticipated and the expenditures should be about \$73,000 less
16 than budgeted. The Utility Fund income should be about \$13,000 more than anticipated and
17 the expenses will be about \$62,000 less than budgeted. The Class C Road Fund revenues
18 should be about \$2,000 less than anticipated and expenditures about \$56,000 more than
19 budgeted. The Dispatch/Animal Control Fees Fund should come in about \$14,000 better
20 than expected. The rest of the smaller funds are about the same. In the Capital Projects
21 Funds, the CDBG Fund expenses may be about 32,000 more than budgeted. The others are
22 about the same.
23

24 The FY20 Budget requests were then discussed. With the new attorney, the \$23,935 in
25 insurance being paid for the previous attorney in the Court department was taken out and in
26 the Prosecution/Defense department \$7,800 was added. In Non-Departmental, the attorney
27 line item was decreased due to the new attorney. The Police Secretary had been cut to part-
28 time at the Secretary's suggestion because she didn't have enough work to keep her busy.
29 Mayor Madsen had now received an email stating she didn't want to be placed part-time.
30 This was discussed and it was decided to leave the position part-time due to work load. As
31 the budgets were presented the General Fund Balance will be at about 20% of the projected
32 revenues including the smaller break-out funds. In the Utility Fund, \$11,600 was added to
33 the Sewer Department for sanitary sewer videoing. About 468,000 will be used from the
34 Retained Earnings. \$4,000 for overtime and \$1,000 for supplies was added to the Liquor
35 Control Fund expenditures. In the Youth City Council Fund, the amount of money the youth
36 will have to earn was reduced from \$1,600 to \$800. There were no changes to the rest of the
37 budgets.
38

39 The playground equipment was discussed and Council Member Bangerter will have cost
40 estimates and equipment groupings to choose from by the next Council meeting. Recorder
41 Hale explained the tiered water rate system will need to be discussed at the next work session
42 when she will have more information on what it will do to the revenues. It was decided to
43 leave 10,000 gallon water usage in the base rate.
44

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1 Council Member Wiggill made a motion to go into back into the regular session. Council
2 Member Bangerter seconded the motion. The motion passed unanimously with Council
3 Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

4
5 Council Member Carlson made a motion to adjourn. Council Member Smalling seconded the
6 motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes,
7 Smalling and Wiggill voting yes.

8
9 The meeting adjourned at 9:00 p.m.

10
11 Approved – July 2, 2019

12
13
14 _____
15 D. Howard Madsen, Mayor

Susan R. Hale, Recorder