

Sunset City Corporation
City Council Minutes
July 16, 2019
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Minutes of a regular meeting held July 16, 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

Others Present:

Beverly Macfarlane	Janet D. LuJan
Wanema Butcher	Laura Penman
Joseph Cook	

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

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

Approval of Vouchers: Council Member Noyes made a motion to approve the voucher for Morgan Pavement in the amount of \$73,185.00. There was some discussion about a small patch not being finished because a truck was parked on the street. Council Member Wiggill seconded the motion. The motion passed 4 to 1 with Council Members Bangerter, Smalling, Noyes and Wiggill voting yes and Council Member Carlson voting no.

Public Comments: There were none.

1. Presentation of the "Town Center Zone" Ordinance by the Planning Commission and schedule a public hearing for said ordinance: No one was present from the Planning Commission, so Council Member Bangerter began by saying the Town Center Zone is being established for 1300 North. Treasurer/Office Manager Youngdell continued, stating the Planning Commission had been working on this ordinance because a developer had approached them with a plan for the property of the old Winegar's building. They will be holding a public hearing on August 6th for public input before finalizing the ordinance and recommending approval to the Council.

Recorder Hale mentioned she and Linda had some questions with the Ordinance and outlined them as follows:

- 1) the Planning Commission minutes of May 8, 2019 state the Commissioners wanted a café or restaurant added to the commercial type uses, but that was not in the draft;
- 2) it was decided a horizontal use was not feasible for the area, but it was not removed;
- 3) section 2)a)i)(1) states 100% residential use may be allowed by the Planning Commission and City Council, but why would that be included when the purpose states the zone is to create a mix of retail, office and residential uses;
- 4) the parking section states there only needs to be one parking space per either a studio or 1 bedroom unit and the BMU ordinance states there it to be 1.5 spaces per 1 bedroom unit and they believe more parking is needed;
- 5) for a primary building there is a 0' side setback on a corner or alley, however the visual traffic clearance triangle in Ordinance 10-3-6 requires a line of site for traffic and this ordinance should reflect that;
- 6) there is a section on habitable accessory buildings and they do not feel this would be appropriate in a development like this;
- 7) section e)iv) was already addressed in Table TC-1v) Building Form;
- 8) the Planning Commission minutes of June 12, 2019 the Commissioners wanted the term "in grates or raised planters" taken out of section f)(1); and
- 9) some grammatical errors were mentioned that needed to be fixed.

Recorder Hale then suggested the Council hold their public hearing on August 20, 2019 so the ordinance would not have to wait another month.

The Council agreed the items mentioned needed to be addressed before the ordinance was adopted.

Council Member Noyes made a motion to schedule the public hearing on the Town Center Zone ordinance for August 20, 2019. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

- 2. Consider a request by Joseph Cook to re-zone the property located at approximately 325 West 1300 North from C-2 Commercial to the Town Center Zone and scheduling a public hearing for said re-zone:** Joseph Cook explained he would like this area zoned from C-2 to the TC ordinance as soon as it's adopted because he would like to get started on the development concept he had previously presented to the Council.

It was stated the Planning Commission will also have a public hearing on this item on August 14, 2016.

Council Member Bangerter made a motion to schedule a public hearing on this re-zone request for August 20, 2019. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

3. **Consider Ordinance 2019-03 adding Chapter 12 entitled “Food Truck Regulations” to Title 3 entitled “Business and License Regulations” of the Sunset City Code:** Recorder

Hale explained Sunset does not have an ordinance for regulating food trucks; they were just licensed under the temporary license ordinance. Cities throughout the State were licensing them differently, so the State Legislature set regulations for food trucks so the Cities would have to license them the same. Recorder Hale drafted the ordinance before them and it has been reviewed and approved by City Attorney Ericson. This ordinance is in line with the State Code.

Council Member Wiggill made a motion to adopt Ordinance 2019-03. Council Member Noyes seconded the motion. The motion passed unanimously with a roll call vote: Council Member Noyes – yes, Council Member Wiggill – yes, Council Member Carlson – yes, Council Member Smalling – yes and Council Member Bangerter – yes.

4. **Mayor, Council and Department Head Reports:** Council Member Wiggill stated he attended a Military Affairs Committee meeting and learned that Maj. General Hawkins will be replaced by Brig. General Von Hoffman as the Ogden Air Logistics Complex Commander during the Change of Command Ceremony on Friday at 9:00 a.m. He attended the North Davis Fire District Board meeting where they were reminded of the dry fire season and to be cautious while lighting fireworks for the 24th of July. The NDFD will be in attendance during Fun Days.

Council Member Carlson attended the North Davis Sewer District Board meeting where they received their audit report from Christensen, Palmer and Ambrose and was given the highest the opinion possible. They also toured the new waste collections building.

Council Member Smalling attended the Mosquito Abatement District – Davis Board meeting and they learned there has been one positive case of West Nile Virus reported, but it was not from a human. There have been positive human cases in surrounding states and in 24 states total. The Youth City Council is gearing up for Fun Days and is looking for help for the celebration and for the upcoming Meet the Candidates Night.

Council Member Bangerter reminded the Council about the “Bark in the Park Car Show” inn Central Park on July 20th. It will be followed by the car show during Fun Days and then two weeks later the “Under the Stars Car Show” will be in Central Park. Those car shows help bring people into Sunset, who could then purchase gas and do some grocery shopping in the City. The bowery in Central Park is being re-shingled so it will look nice for Fun Days.

Police Chief Eborn said there will be an extra Officer or two scheduled for the car shows. The truck that was left parked in the street during the slurry seal application has been cited and it is now moved.

Treasurer/Office Manager Youngdell advised the Utah Local Governments Trust is changing their current TAP award program to one where each department within a municipality will

1 compete for safety incentives. They are asking cities to participate by recognizing employees
2 for doing things safely.

3
4 Public Works Director Monroe reported the carnival scheduled for Fun Days had cancelled
5 and he has secured inflatables for the kids. The area where the old City Building was will be
6 paved before Fun Days.

7
8 Mayor Madsen explained U-Haul had received two bids for the tree removal on the east side
9 of Main Street. One was for just their section and the other included from their section to
10 800 North. That bid was \$17,215 just for the City's portion, so it was decided the City
11 wouldn't do their portion of it at this time. He explained there would be a work session and
12 then there would be a closed session after that.

13
14 Council Member Bangerter made a motion to go into the work session after a 10 minute break.
15 Council Member Wiggill seconded the motion. The motion passed unanimously with Council
16 Members Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

17
18 **WORK SESSION**

19 **Discuss ideas for developing the City owned land adjoining the City Building:** The ideas
20 discussed for the property were: 1) building a bowery with a veterans memorial by it; 2)
21 building the public works buildings on it; 3) making it a cemetery; 4) subdividing it and
22 selling parcels for homes; 5) building a park; 6) selling four lots as financing for building a
23 park behind them; and 6) erecting a building to use as the Sunset Room and use the Sunset
24 Room area for the Court Room designed with better security in mind, so the Judge and
25 Clerks would not have to walk past the Court patrons to get to the bench.

26
27 It was decided that Council Members Bangerter and Noyes would meet with an engineer to
28 draft some ideas and get cost estimates.

29
30 Council Member Noyes made a motion to go back into the regular session. Council Member
31 Wiggill seconded the motion. The motion passed unanimously with Council Members
32 Bangerter, Carlson, Noyes, Smalling and Wiggill voting yes.

33
34
35 Council Member Wiggle made a motion to go into a closed session in accordance with Utah
36 State Code Section 52-4-205 (1)(a) discussion of the character, professional competence or
37 physical or mental health of an individual. Council Member Bangerter seconded the motion.
38 The motion passed unanimously with a roll call vote: Council Member Bangerter – yes, Council
39 Member Smalling – yes, Council Member Carlson – yes, Council Member Wiggill – yes and
40 Council Member Noyes – yes.

CLOSED SESSION

In accordance with Utah State Code Section 52-4-205 (1)(a) discussion of the character, professional competence or physical or mental health of an individual.

Present:

Mayor Madsen	Council Member Bangerter
Council Member Smalling	Council Member Carlson
Council Member Wiggill	Council Member Noyes
Public Works Director Monroe	Recorder Hale

The closed session was held in the Council Chambers of the Sunset City Building and the affidavit for the closed session signed by Mayor Madsen is attached.

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

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

The meeting adjourned at 8:30 p.m.

Approved – August 20, 2019

D. Howard Madsen, Mayor

Susan R. Hale, Recorder