

**Sunset City Corporation**  
**City Council Minutes**  
**August 6, 2019**  
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Minutes of a regular meeting held August 6, 2019 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Madsen presiding.

**REGULAR SESSION**

**Mayor and Council Present:**

|                      |                |
|----------------------|----------------|
| Chad Bangerter       | Council Member |
| Ricky Carlson        | Council Member |
| Norm Noyes           | Council Member |
| Nancy Greco Smalling | Council Member |
| Scott Wiggill        | Council Member |

**City Employees Present:**

|                    |                          |
|--------------------|--------------------------|
| Linda J. Youngdell | Treasurer/Office Manager |
| Jason Monroe       | Public Works Director    |
| Dustin Ericson     | Attorney                 |
| Christina Arbogast | Court Supervisor         |

**Excused:**

|                  |              |
|------------------|--------------|
| D. Howard Madsen | Mayor        |
| Susan R. Hale    | Recorder     |
| Ken Eborn        | Police Chief |

**Others Present:**

|                   |                      |
|-------------------|----------------------|
| Garrett Schroeder | Circle Inn           |
| Joseph Cook       | Lofts at Falcon Hill |
| Henry DeVarona    | Lofts at Falcon Hill |
| Janet D. LuJan    | Beverly Macfarlane   |

The regular session was called to order at 6:30 p.m. by Mayor Pro-Tempore Carlson.

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

**Approval of Minutes:** Council Member Wiggill made a motion to approve the minutes of June 4, 2019 and June 18, 2019 as presented. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Smalling, Noyes and Wiggill voting yes.

**Approval of Vouchers:** Council Member Bangerter made a motion to approve the voucher for Morgan Pavement in the amount of \$26,460.00. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Smalling, Noyes and Wiggill voting yes.

**Public Comments:** Janet LuJan thanked the Mayor and Council Members for cooking the breakfast during Fun Days and mentioned someone helped her back to her son's car because it was raining. When she came back up to the park, she ordered lunch and when she went to pick it

up, someone had paid for it for her. They hear about all the awful things going on in the country, but there are still so many kind people. It just touched her heart. Her friend called her and told her Sunset's fireworks were the best! She keeps praying everyone can stay safe in this country.

1. **Consider a request for local consent from Circle Inn Pizzeria, LLC to change the existing tavern license to a bar license:** Garrett Schroeder said about two months ago he appeared before the Council to ask that the liquor ordinance be changed because it only allowed for the sale of beer. He thanked the Council for changing that ordinance. Now he needs to obtain local consent from the Council before he can apply for his State alcohol license. There is only one State license available at this time and he has to have his application in by August 10<sup>th</sup> to have a chance at getting that license.

Council Member Bangerter made a motion to approve local consent for Circle Inn Pizzeria, LLC to change the existing tavern license to a bar license. Council Member Noyes seconded the motion. The motion passed unanimously with Council Members Bangerter, Smalling, Noyes and Wiggill voting yes.

2. **Approve the poll workers for the 2019 Municipal Primary and Election:** Mayor Pro-Tem Carlson read the names and duties of the poll workers assigned by Davis County: Maryann Downard – Poll Manager; Kristi Davis – Ballot Clerk; and Suzanne Roach – Ballot Clerk.

Council Member Bangerter made a motion to appoint the abovenamed poll workers. Council Member Wiggill seconded the motion. The motion passed unanimously with Council Members Bangerter, Smalling, Noyes and Wiggill voting yes.

3. **Mayor, Council and Department Head Reports:** Council Member Noyes thanked all who participated with Fun Days and said everyone did a good job.

Council Member Wiggill mentioned he played his first video game ever at the Circle Inn, so the business has been a fixture in Sunset for a long time and he supports their endeavors. Fun Days was kind of crazy with the rain and then the heat, but the Public Works and other employees did a great job. He notices a lot of garbage when he goes to events like this and the park stayed clean all day and he commended the City employees for that. The North Davis Fire District represented Sunset well. With the carnival pulling out and having inflatables instead, they may want to talk about which they prefer to have next year. It seemed like everyone liked the inflatable.

Council Member Smalling thanked everyone for their hard work during Fun Days. She had a great time and had fun cooking the breakfast with the rest of the Council. The Youth City Council didn't meet tonight, but she will tell them and wants to tell Public Works thank you for all their help with the "Meet the Candidates Night".

Council Member Bangerter also thanked the Youth City Council for putting on the "Meet the Candidates Night" and said it is a tough thing to do, especially when they're youth. He also

1 thanked everyone for all the work they put into Fun Days and he thought it went very well as  
2 always. They can talk about the carnival versus the inflatables during the work session, but  
3 the thing that bothered him the most was the outsiders who came in and tried to cause  
4 trouble. There were incidents during the Movie in the Park and on Saturday. With as wet as  
5 it was a lot of weeds grew and now with the heat there are a lot of dry weeds, so he urged  
6 everyone to watch for that, warn their neighbors of the consequences and report it if it looks  
7 dangerous. Council Member Wiggill said the awards for the Car Show were amazing.  
8 Council Member Bangerter said Wasatch Rods and Customs gave the Presidents' award and  
9 they will be doing the "Under the Stars" car show this Saturday from 2:00 p.m. to dark. It's a  
10 huge show that brings in 300-400 cars and he hopes Sunset never loses that event because it  
11 brings in a lot of people to the City and they spend money while they're here.

12  
13 Treasurer/Office Manager Youngdell stated the Utah League of Cities and Towns  
14 Conference will be September 11-13, 2019 and there will be several different mobile tours.  
15 She made copies for the Council and asked that they let her know as soon as possible which,  
16 if any, tours they want to do so she can get them reserved.

17  
18 Public Works Director Monroe reported the bases for the radar speed limit signs will be put  
19 in today and tomorrow, so the signs should be up by Monday. The locations are: about 300  
20 West on 2575 North; on both sides of the road in front of Sunset Elementary; and on both  
21 sides of the road in front of Doxey Elementary. When the Council gives him other locations,  
22 they will put in bases so the signs can be moved around.

23  
24 Mayor Pro-Tem Carlson said he tried to hang around all day during Fun Days and he had a  
25 good time. He received good comments about the fireworks and he believes they were the  
26 longest they've been at 25 minutes. The ending in a shower of fireworks was pretty cool. He  
27 thanked the employees for all their hard work on it. He appreciated Mrs. LuJan's comment  
28 about someone purchasing her lunch because he heard of others that happened to as well,  
29 including all the Officers one of the nights.

30  
31 Council Member Noyes made a motion to go into the work session after a short break. Council  
32 Member Bangerter seconded the motion. The motion passed unanimously with Council  
33 Members Bangerter, Smalling, Noyes and Wiggill voting yes.

34  
35 **WORK SESSION**

36 **1. Discuss the development agreement for the Lofts at Falcon Ridge:** Mayor Pro-Tem  
37 Carlson said he found about 16 items he wanted to discuss and asked Joseph Cook to come  
38 up so he could join in the discussion.

39  
40 Mr. Cook stated he used the Sunset Place Townhouses PUD agreement as a starting point for  
41 this document. He had prior City Attorney King review it and received some comments from  
42 him and now the new City Attorney has reviewed it and made some comments, along with  
43 Public Works Director Monroe and City Engineer Nelson.

44  
45 The development agreement was discussed extensively and the amendments are as follows:

1. In the Title, the word "Residential" was changed to "Mixed Use".
2. In Recitals, Paragraph D, "approximately 126 +/-" was changed to "no more than 126" and "18 +/-" to "18".
3. In Agreement, Paragraph 3, "ten (10)" was changed to "seven (7)".
4. Paragraph 4.d "(for the period of his warranty)" was deleted.
5. Paragraph 4.k "In the event of market downturn, Developer shall be able to rent the condominium units until such time as Developer shall have determined, in his sole discretion, that the market has recovered sufficiently to resume selling the condominium units once again." was changed to "In the event of market downturn, Developer may go before the City Council and request to rent the condominium units for a period of time specified by the City Council and then reviewed again at the end of time period decided upon."
6. Paragraph 4, all of section l. was changed to "Parking. There shall be no fewer parking stalls than 239, which is shown in Exhibit B, page C400 entitled Site Plan. On street parking will only be allowed in accordance with Sunset City Code Section 6-1-3."
7. Paragraph 4.m "assisted living" was deleted.
8. Paragraph 4.p the word "one" was changed to "two".
9. Paragraph 4.q was deleted.
10. Paragraph 12 was amended as follows: Culinary Water and Sewer Treatment Capacity. The City, does not reserve or warrant water capacity or sewer treatment capacity until the issuance of a building permit **[for Phase 1]. [The City does not reserve or warrant water capacity or sewer treatment capacity for Phases 2 and 3 until the calculations for Phase 1 are proved to be accurate with the completion of Phase 1.]** Recording of the Final Plat, execution of this Agreement, and/or recording of any lot within the Development does not constitute a reservation or warranty for water capacity and/or sewer treatment capacity.
11. Paragraph 22 was deleted.
12. Paragraph 23 was amended as follows: **Default and Mediation.** ~~Each and every term of this Agreement shall be deemed to be a material element hereof. In the event that either Party shall fail to perform according to the terms of this Agreement, such Party may be declared in default. In the event that a Party has been declared in default hereof, such defaulting Party shall be given written notice specifying such default and shall be allowed a period of ten (10) days within which to cure said default. In the event the default remains uncorrected, the Party declaring default may elect to: (a) terminate the Agreement and seek damages; (b) treat the Agreement as continuing and require specific performance or; (c) avail itself of any other remedy at law or equity.~~ In the event of the default of any of the provisions hereof by either Party, which shall give rise to commencement of legal or equitable action against said defaulting Party, the Parties hereby agree to submit to non-binding mediation before commencement of action in any Court of law. In any such event, defaulting Party shall be liable to the non-defaulting Party for the non-defaulting Party's reasonable attorney's fees and costs incurred by reason of the default. Nothing herein shall be construed to prevent or interfere with the City's rights and remedies specified in Paragraph III.D of this Agreement.
13. Paragraph 25 was deleted.

Paragraph 29 entitled Easements was discussed because one of the property owners is being difficult in getting a recorded easement. The City already has a prescriptive easement and

1 can go into the property to fix any pipe break. The City Engineer just wanted the recorded  
2 easement so it would be found in a title search and the owner would know they could not  
3 build anything on it. It was asked what the City could do to obtain a recorded easement.  
4 Attorney Ericson said they could do a quiet title action or a condemnation action. From a  
5 purely legal perspective, he does not feel the easement in question is mandatory for this  
6 agreement. He cannot speak for the City Engineer, but if he is okay with removing the  
7 easement in question, Attorney Ericson said it could be stricken. The City will continue  
8 trying to contact the owners of the property for due diligence and good faith.  
9

- 10 **2. Discuss Sunset City Fun Days:** The Council began with discussing the breakfast. Some  
11 had heard that people wanted the Council to continue cooking it. In the beginning of Fun  
12 Days it was organized by the LDS Church and the Stake has always cooked the breakfast, so  
13 it was asked if the Council taking it over would be stepping on anyone's toes. Mayor Pro-  
14 Tem Carlson said he talked to the Stake President and they feel awful that their camp was  
15 scheduled during Fun Days. He has given them the date for next year so that can be avoided.  
16 It was said a combined effort between the Council and Stake would be a good thing.  
17

18 Discussion moved on to the 5-K and it went smoothly. Shirt sizes were taken so they could  
19 be ordered in the right sizes instead of having a bunch of shirts in the wrong sizes or left  
20 over. The fee of \$15.00 included their t-shirt and breakfast.  
21

22 The parade was discussed. Usually numbers are painted on the road and it was forgotten this  
23 year. It is now on the spreadsheet so it will be done next year.  
24

25 They discussed the carnival versus the inflatables. They would like to talk to residents, but  
26 believe they liked the inflatables because there were more families enjoying them. However,  
27 there was not much for the teenagers to do. The carnival backed out just a couple of weeks  
28 before Fun Days and getting the inflatables was a last minute scramble. Clinton went with a  
29 different carnival group this year and there were a lot of complaints from Clinton residents  
30 about how expensive the carnival was. No one complained about the price of the inflatables,  
31 so maybe they can find something the teenagers can do as well. With everything the Public  
32 Works Department has to take care of they cannot run the inflatables again. Hopefully, they  
33 can get volunteers to help with that.  
34

35 There was a vendor that was concerned another vendor was selling the same type of thing  
36 they were. The Office employees are good at not allowing duplications and they didn't feel  
37 those two vendors' products were the same. They talked about maybe asking the Food Truck  
38 Organization pull together which food trucks would attend so there wouldn't be any  
39 duplication.  
40

41 Everyone talked to or heard from thought the fireworks were the best. The fireworks started  
42 earlier than the 10:00 p.m. advertised. Public Works Director Monroe explained the group of  
43 kids that were there Friday night causing trouble were there again on Saturday night and he  
44 heard them talking about rushing the fireworks at 10:00 to knock them over, so he shut the  
45 lights off and had the fireworks start early to avoid it. The Council discussed maybe having

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1 more of a police presence. Since Pepsi pays for half of the fireworks, they discussed having  
2 a banner up telling people that Pepsi sponsors the fireworks.  
3

4 Friday night, there was a skate competition. There were 17 kids who competed. Crossroad  
5 Skate Shop sponsors it and brought in judges. They plan to advertise more for the  
6 competition. Allowing bikes was discussed, but the completion has been working well so it  
7 was decided not to.  
8

9 Council Member Noyes made a motion to go back into the regular session. Council Member  
10 Wiggill seconded the motion. The motion passed unanimously with Council Members  
11 Bangerter, Smalling, Noyes and Wiggill voting yes.  
12

13 Council Member Smalling made a motion to adjourn. Council Member Bangerter seconded the  
14 motion. The motion passed unanimously with Council Members Bangerter, Noyes, Smalling  
15 and Wiggill voting yes.  
16

17 The meeting adjourned at 8:35 p.m.  
18

19 Approved – August 20, 2019  
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22 \_\_\_\_\_  
23 D. Howard Madsen, Mayor

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Susan R. Hale, Recorder