

Sunset City Corporation
City Council Minutes
August 20, 2019
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Minutes of a regular meeting held August 20, 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
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

Excused:

Norm Noyes	Council Member
Nancy Greco Smalling	Council Member

Others Present:

Lourdes Chaparro	Chaparro Tamales
Gustavo Martinez	Chaparro Tamales
Kyle McMullin	Chaparro Tamales
Steven Walker	Vesper Investments
Brad Gilson	Gilson Engineering/Vesper Investments
Dawn Gilbert	Tana Miller
Janet D. LuJan	Laura Penman
Beverly Macfarlane	Martin & Karen Harder

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

Mayor Madsen gave the invocation and led the Pledge of Allegiance.

Approval of Minutes: Council Member Wiggill made a motion to approve the minutes of July 2, 2019, July 16, 2019 and August 6, 2019 as presented. Council Member Carlson seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson and Wiggill voting yes.

Public Comments: There were none.

Council Member Carlson made a motion to go into the public hearing. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Carlson and Wiggill voting yes.

PUBLIC HEARING:

1. **Receive public input on a new Town Center Zone (TC) ordinance:** Mayor Madsen explained the ordinance and opened the hearing for public input, giving a three minute time limit.

Martin Harder, Sunset business owner, stated he was a neighbor of this project and is concerned about traffic from the development crossing his business parking lot. A good neighbor remediation for all the traffic will need to be put in place if there is not an existing ordinance on it. Another concern of his is the number of stories high the building will be. Five stories was presented and he believes that number is too high for this area; 3 stories would be high enough.

Beverly Macfarlane said she addressed this during the last Council meeting, but she wants to make sure someone has coordinated with North Davis Sewer District on this project to make sure the City has ample lines to handle the additional sewage.

Karen Harder, wife and co-business owner with Martin Harder, stated she has called around to the cities surrounding Sunset to see if any of them had a TC ordinance and they had similar ordinances under a different name. She then asked what their standards were and not one of them allowed for a 5-story building. The closest 5-story building is in Salt Lake City. She gathered from the City Planners that part of the reason they didn't have buildings that large was that they didn't have enough population to support buildings that big. She said the cost of fire protection for those additional stories may be an issue the Council needs to consider. She is also concerned about the additional population driving through their parking lot because it could damage their parking lot that is not set up as a road.

2. **Receive public input on rezoning from C-2 Commercial to TC Town Center the properties located at 305 West, 327 West and 335 West on 1300 North:** Mayor Madsen explained if the ordinance of the previous hearing passes these properties could be rezoned to that zone. He opened the hearing for public input, again giving everyone three minutes.

Kyle McMullin stated he is a Real Estate Agent representing one of the tenants of the building to be rezoned. He explained what happens to business owners who have been working in Sunset for years. Their space will be demolished, including all the improvements they have paid for over the years, and they will be asked to leave. Therefore, they have to move to a new place. They have been looking for several months for an appropriate place, but it looks like they will have to build and that is a lengthy process. He hoped the Council could figure out a way to give them the time they need to build and relocate and he believes a year is not unreasonable. It is an incredible experience to have their workspace destroyed. They had a lot of confidence they could be there for a long time, when the work was done to make the space work for them. Change happens, but this change could possibly put this business out of business.

Beverly Macfarlane stated she wondered if the Council had thought about where those businesses were going to go or if they were going to be part of this town center development.

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

REGULAR SESSION:

1. Consider Ordinance 2019-04 adding a new zone titled “Town Center Zone (TC)” to the Sunset City Zoning Regulations: Mayor Madsen advised the Planning Commission also held a public hearing to solicit public input. He asked Planning Chair Ellsworth to come up to discuss this ordinance with the Council.

Council Member Bangerter asked and was given approval to answer some of the concerns brought up in the public hearing. First was the concern about added cost to the City for fire services. There will not be an added cost. The North Davis Fire District has been involved with this project and other projects. The second comment is that there are no other 5-story buildings in the neighboring cities, but he believes Clearfield has some and the ones across the street from its City Building also has commercial in the bottom floor. He believes some buildings in Bountiful are also 5-story buildings with commercial in the bottom. Regarding businesses being relocated, they hate to lose businesses within the City, but they also hate to lose neighbors when they sell their houses. Unfortunately, this is not a City controlled situation as far as a developer purchasing property from a business owner with the intent of changing the area. It happens all the time. He hates to see businesses leave the City and he hopes they can find another location. The UDOT 1800 North project will also uproot a couple of businesses and he hopes they can relocate within the City. The last concern is the cross traffic from the new development through other properties. According to the current layout, the traffic will enter and exit from the north side of the property, so that should not be an issue. If any of those residents wanted to go to Harder’s for a haircut, they would exit their driveway and re-enter Harder’s property, just as they would do to get gas from the station on the corner.

Mayor Madsen stated before a project goes before the Planning Commission and is subsequently approved by the Council it has been approved by administration, fire, police, public works and engineering. This type of development is new for Sunset, so they’ve hired a specialty company to review all the plans for these types of developments.

The Council and Planning Chair Ellsworth discussed the ordinance and the amendments the office staff had made. The ordinance was further amended as follows:

- 1) 10-5G-2. 1. Ground-Floor uses shall be a minimum ~~(75%)~~ **[(60%)]**
- 2) 10-5G-2.1.b. 100% residential use may be allowed by Planning Commission and City Council **[, but the purpose is to create a mix of retail, office and residential use].**
- 3) 10-5G-5.C Accessory Building Setbacks:
 2. Side – ~~0-3~~ **[0]** ft. min.
 3. Side (interior) – ~~0-3~~ **[0]** ft. min.
- 4) 10-5G-5.D Building Form

- 1 3. Within 20' of rear or side lot line **[adjacent to residential zones]**, buildings are to be
2 no more than 1 story taller than the height of adjacent buildings. Buildings can then tier
3 up 1 story for every 20' farther from the lot line.
4 5) 10-5G-5.E Parking Pad Location - *(leave in the lined out wording)*
5 1. Front setback –
6 i. ~~Mixed Use:~~ max 10% of the required parking - 15' minimum setback, 90% - 40'
7 setback.
8 ii. ~~For a 100 % Res use: 100% of the required parking – 40' minimum setback~~
9 6) 10-5G-5.E Parking Pad Location
10 3. Rear setback – 3 ft. min., ~~with a required buffer~~**[including buffer]**

11
12 Council Member Bangerter made a motion to approve Ordinance 2019-04 with the added
13 amendments as stated above. Council Member Carlson seconded the motion. The motion
14 passed unanimously with a roll call vote: Council Member Bangerter – yes, Council
15 Member Carlson – yes, Council Member Wiggill – yes.

16
17 2. **Consider Ordinance 2019-05 amending the zone from C-2 Commercial to TC Town**
18 **Center the properties located at 305 West, 327 West and 335 West on 1300 North:**

19 Mayor Madsen stated he talked with Jordan Winegar, who presently owns the property being
20 considered for re-zone, and asked him some questions. In answers to those questions, Mr.
21 Winegar told Mayor Madsen Joseph Cook was the only person/company with an option to
22 purchase the property at this time. He also told Mayor Madsen he had approached the
23 owners of Chaparro's with an offer to sell them the whole building, but they denied the offer
24 and told him they were going to build somewhere else. They had offered to purchase only
25 half of the building, but that was not in the Winegar family's best interest. Mayor Madsen
26 feels every effort has been made to try and help Chaparro's.

27
28 Council Member Bangerter stated as background, the Council has tried to work with the
29 owners several times over the years to sell or develop property. If they decide to re-zone this
30 property tonight, he doesn't believe the developer will be ready to build for close to a year,
31 so it sounds like the tenants would have close to a year to relocate. Joseph Cook said it has
32 taken a long time to be close to building for his other project and they don't have a single
33 page of architecture done on this project. He believes it is safe to say Chaparro's has some
34 time. Mayor Madsen said he's been the Mayor for a year and a half and there still is no
35 building going on at Mr. Cook's other development. Therefore he believes Chaparro's has
36 some time before they need to relocate. This meeting should be notice that it is going to
37 happen. Council Member Bangerter pointed out the City has very little control over who
38 purchases property within the City. They were asked by residents several times when Sierra
39 R.V. left, as a City, to get that property sold. The City does not own these properties and
40 what the owners do with it and what buyers they find is totally up to them.

41
42 Council Member Bangerter made a motion to adopt Ordinance 2019-05. Council Member
43 Carlson seconded the motion. The motion passed unanimously with a roll call vote: Council
44 Member Wiggill – yes, Council Member Carlson – yes, Council Member Bangerter – yes.

1 **3. Mayor, Council and Department Head Reports:** Council Member Bangerter asked Public
2 Works Director Monroe if the water feature had been delivered and if they had found
3 benches. The response was yes.
4

5 Council Member Wiggill stated he doesn't like seeing long time Sunset businesses be
6 displaced and hopes the best for them. He attended the Under the Stars car show and said it
7 was awesome; there were over 300 cars there. Having big events like that gives Sunset the
8 opportunity to shine and he believes it did. He attended the NDFD Board meeting last week
9 and they discussed the Layton apartment fire and the kudos the District received from the
10 Layton Fire Department. All Fire Departments in the area have a good working relationship.
11 The District's fuel cards were compromised and, before it was discovered, a large amount of
12 fuel was purchased. They are working on getting that taken care of. They were excited
13 about receiving new AED equipment for their vehicles. This equipment can instantaneously
14 transfer information from the attached patient to the hospital. He stated his appreciation for
15 the NDFD and for Public Works employees for keeping Central Park in good shape during
16 and after the car show.
17

18 Police Chief Eborn reported the Police Department had no trouble from anyone during the
19 car show. The new Officer has passed his Emergency Vehicle Operations course and is now
20 a full-time POST certified Peace Officer and can be on his own. He is doing well.
21

22 Treasurer/Office Manager Youngdell stated the City's insurance appraiser has completed an
23 appraisal of City owned property and of course the buildings are now worth more.
24

25 Public Works Director Monroe advised the speed signs should be installed first thing in the
26 morning; one by Doxey Elementary, one by Sunset Elementary and one on 2575 North. The
27 playground equipment should be delivered around Monday, then the footings will be done a
28 week later and they'll get it done after that.
29

30 Council Member Bangerter thanked Planning Chair Ellsworth and Commissioner Stevenson
31 for their knowledge and the others for their research, ideas and support.
32

33 Mayor Madsen advised they have received the fully signed UDOT agreement for the parking
34 lot paving and should be receiving the \$13,000 in the near future. The Police Officers now
35 have new weapons. Their old Sig Saur 40 cal. weapons need to be disposed of and there are
36 a few options. They can sell them to a Federally Licensed Dealer and have received a bid of
37 \$150 each from one. They could set a price and allow the Officers to purchase them for their
38 personal use and allow the Council and other employees purchase what the Officers don't.
39 He asked the Council to be thinking about this and they will have it on the next meeting's
40 agenda. To let them know what shape they may be in, when one of the officers went to be
41 certified as a firearms instructor, they wouldn't let him use it because it was too old. Chief
42 Eborn stated the Certification people recommended some weapons and they decided to
43 purchase Glock G45 Gen5 weapons, which are 9 millimeter and carry a lot more rounds than
44 their current weapons and the recoil allows for a quicker acquisition of target after firing a
45 round. They were able to purchase them for substantially less than their budget allowed.

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1 Most Departments replace their weapons every five years and the Sunset PD has had these
2 since 2001. When they should change out the weapons was discussed and it was
3 recommended that Chief Eborn put it in his budget every five or six years and draft a policy
4 the Council would review.
5

6 Council Member Bangerter made a motion to adjourn. Council Member Wiggill seconded the
7 motion. The motion passed unanimously with Council Members Bangerter, Carlson and Wiggill
8 voting yes.
9

10 The meeting adjourned at 7:40 p.m.
11

12 Approved – October 1, 2019
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15 _____
16 D. Howard Madsen, Mayor

Susan R. Hale, Recorder