

Sunset, UT

Regular City Council Meeting

Tuesday, September 21, 2021 at 6:30 pm

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at the date and time noted above. It will be held in the Council Chambers of the Sunset City Office Building, 200 West 1300 North, Sunset, Utah.

If you are not on the agenda, the Council will not be able to discuss your item of business until another meeting. If you wish to have an item placed on the agenda, contact the Sunset City Recorder at 801-614-9103.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations during this meeting should notify the Sunset City Offices, (801) 825-1628, at least 48 hours in advance of the meeting.

REGULAR SESSION

- 1. CALL TO ORDER & WELCOME by Mayor Madsen**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE by Council Member Rigley**
- 3. APPROVAL OF MINUTES - July 20, 2021, August 3, 2021, August 17, 2021, September 7, 2021**
- 4. PUBLIC COMMENTS**
Each person desiring to make comments will have 3 minutes. Please state your name.
- 5. Consider proposal from JAG Properties for a cross easement agreement on the Sunset City Building entrance from 250 West to allow access to the proposed townhomes access road**
- 6. Consider appointing Mike Rigley as an Alternate Planning Commissioner**
Mike Rigley was interviewed by the Planning Commissioners on September 9, 2021 and they are recommending he be appointed as an Alternate Planning Commissioner.
- 7. Consider holding a joint Planning Commission/City Council work meeting on Thursday, October 14, 2021**
During the Planning Commission meeting discussions on September 9, 2021, the Commissioners asked to have a joint work meeting with the City Council to discuss the TC and BMU ordinances. They would like to hold it on Thursday, October 14, 2021 if the Council agrees.
- 8. Mayor, Council and Department Head reports**
- 9. Adjourn the regular session and move into the work session**

WORK SESSION

- 10. Review the 2021 Fun Days event**
- 11. Discuss the street lighting issue of the Falcon Ridge Development**
- 12. Discuss the entrance from 250 West to the Sunset City Building**

13. Discuss the America Rescue Plan Act (ARPA) funding and expenditures

14. Adjourn -

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in accordance with Utah State Code Annotated 52-4-202(3) and provided to the Standard Examiner.

Susan R. Hale, Recorder

Sunset, UT

Regular City Council Meeting

Minutes

Tuesday, July 20, 2021 at 6:30 pm

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at the date and time noted above. It will be held in the Council Chambers of the Sunset City Office Building, 200 West 1300 North, Sunset, Utah.

ATTENDEES: Council Members Chad Bangerter, Beverly Macfarlane, Nakisha Rigley, Nancy Smalling and Scott Wiggill.

Employees Recorder Susan R. Hale, Treasurer/Office Manager Linda Youngdell, Police Chief Ken Eborn and Public Works Director Jason Monroe.

Excused: Mayor D Howard Madsen

Others Present: Henry DeVarona with Falcon Hill Development, LLC., Planning Chair Laura Penman, Jeff Gibson & Michael Maze - owners of The Salty Vape, and Kathy Gittens.

REGULAR SESSION

- 1. CALL TO ORDER & WELCOME by Mayor Pro-Tem Wiggill**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE by Council Member Bangerter**
- 3. APPROVAL OF MINUTES - June 1, 2021**

Minutes:

Council Member Macfarlane made a motion to approve the minutes as presented. Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

- 4. APPROVAL OF VOUCHERS - \$80,861.80**

Minutes:

Council Member Bangerter made a motion to approve the voucher for Paragon Construction in the amount of \$80,891.80. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

- 5. PUBLIC COMMENTS**

If you want to comment about the rezone, please wait for the Public Hearing. Otherwise, each person desiring to make comments will have 3 minutes. Please state your name.

Minutes:

There were none.

PUBLIC HEARING

6. To seek public input on the request for rezone of the two properties located at 1647 North Main and 1661 North Main from C-2 Commercial to Boulevard Mixed Use (BMU) by Bearkat Investments, LLC

Minutes:

Council Member Bangerter made a motion to go into the public hearing. Council Member Macfarlane seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes. Kathy Gittins said she was trying to picture the location, so it was explained to her. Council Member Macfarlane asked if the rezone of this property will make any difference to the possible use of the City owned land by the School District. Mayor Pro-Tem Wiggill said the rezone is only affecting the privately owned property, not the City's property. Council Member said the School District will not be using the City owned property and this public hearing is only for the privately owned property. Council Member Bangerter made a motion to end the public hearing and go back into the regular session. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

Agenda Items

7. Consider Ordinance 2021-03 amending the Sunset City Zoning map by changing the zone from C-2 to BMU on the two properties located at 1647 North Main and 1661 North Main

Minutes:

There was no discussion.

Council Member Bangerter made a motion to approve Ordinance 2021-03 amending the Sunset City Zoning Map. Council Member Rigley seconded the motion. The motion passed unanimously with a roll call vote: Council Member Macfarlane - yes, Council Member Bangerter - yes, Council Member Smalling - yes and Council Member Rigley - yes.

8. Request a conditional use for a vape shop called the Salty Vape to be located at 271 W. 1260 N.

Minutes:

Jeff Gordon and Michael Maze were present to answer any questions. Planning Chair Penman stated that the Planning Commission recommended approval of the business with conditions of lighting the back and front of the business, securing the garbage so there is not a recurrence of issues the other vape shop has had, installing a security system and following State and City codes.

Council Member Macfarlane mentioned keeping the back alley clear in case of fire.

Council Member Bangerter said the reason the garbage issue was brought up is because there have been people stealing leftover vape juice from the garbage of the other vape shop. He is excited for them to be here.

Police Chief Eborn is concerned about distance. Utah Code states a vape shop has to

be 1,000 feet from churches, schools, playgrounds and community locations. He wondered if the City Building was far enough away. Michael Maze stated they are .13 miles away from Doxey Elementary and 1.3 miles from the nearest church. He believes a community location could be assumed to be any open business. Chief Eborn advised he is not opposed to the business being there; he just knows the City is going to build a park behind the City Building and wants to make sure all the State mandated distances are met. Mr. Maze explained, using a map meter, .8 is about 1,000 feet and it measures from property line to property line, not building location, so the actual distance is a little further. They have been looking for a location since March and have looked very closely at distances. Chair Penman said this was discussed during the Planning Commission meeting and the owners said they had done their homework. She clarified that 1,000 feet is .189 miles and said her concern is the park being built. Recorder Hale stated the park is not being built yet, so cannot be considered at this time. Council Member Bangerter clarified this type of business is regulated by the State so, if the Council has missed any of the distance regulations, the State will bring it to the City's attention. Council Member Macfarlane would like to be proactive and know before the State has to tell them. Mr. Maze said they spent a lot of time doing the research with their legal team and finding a location that fits the distance regulations. Council Member Bangerter made a motion to approve the conditional use request for The Salty Vape to be located at 271 W. 1260 N. with the following conditions: 1) the business will meet all applicable State and City codes, which will include all distance regulations; 2) adequate lighting will be installed in the front and back of the building; 3) continue monitoring and updating security precautions, especially regarding garbage; and 4) if the City notifies them of problems, they will be willing to make timely adjustments. Council Member Macfarlane seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

9. Consider approving the iWorQ service agreement for iWorQ applications and services

Minutes:

Public Works Director Monroe said this program has already been budgeted, but the agreement needs Council approval. He explained this program contains management applications for backflow prevention, signs, pavement, water, sewer, storm water, etc. It can be accessed from cell phones, tablets & computers. Originally the first time fees came to about \$19,000 and they've dropped it down to \$7,000 for Sunset. Council Member Macfarlane asked him to explain how this program works. Director Monroe explained he puts in the date, GIS and the grade of all the roads, which tells the program what shape each road is in on a certain date. As time passed, the program will remind him of which roads to do a reassessment of, so he can budget for the work that will need to be done a head of time. It works similarly for the other applications.

Council Member Bangerter believes this will be a good for when Director Monroe retires, the new Director will be able to see what needs to be done without a lot of research. When Director Monroe became the Director he didn't have much to go on and it's taken him a long time to learn about the City's infrastructure, so it will save the City money in the long run.

Council Member Smalling made a motion to approve the IWORQ service agreement. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

10. Mayor, Council and Department Head reports

Minutes:

Public Works Director Monroe reported Fun Days went really well and would like to hold a work session on August 17th to discuss what could be done better, what worked, etc. He thanked Cranefield Golf Course for doing a great job with the golf tournament.

Treasurer/Office Manager Youngdell gave a shout out to Council Member Smalling and Director Monroe for doing such a great job with Fun Days this year; it went really smooth and the vendors she talked with had no complaints.

Police Chief Eborn also said Fun Days went really well this year. There was only one problem with attendees drinking alcohol in the park and when asked, they dumped it and threw the containers in the trash. That is an unusually small amount of problems. One of the Officers has resigned and the vacancy has been filled by the Reserve Officer, who will start full-time on August 5th. Another officer may be leaving as well. Council Member Rigley commended everyone who helped with Fun Days for doing their jobs well. The celebration was fun and the fireworks finale was probably the best she's ever seen. She and Council Member Rigley are continuing to plan the Mental Health Awareness Craft Fair with the North Davis Communities that Care Coalition. They are reaching out to some food vendors and organizations that work with causes regarding mental health. The North Davis CTC has \$700 to help with the event. The North Davis CTC has also asked her if Sunset City can co-host the Illumination Firework Show. She has been made aware of a few possible recruits for the Sunset Youth City Council. She would like to make a digital application for them to fill out to make it easier for them.

Council Member Smalling also commended everyone who helped with Fun Days. Before the Fireworks started she was at the east side of the park, looking at the beautiful sunset and was overwhelmed with emotion at the small town feel she had. The Mosquito Abatement Board had their audit and received a clean audit. They will be paying off a bond soon and the second one within a year, so they are doing very well with the finances they have. They are still having trouble finding enough summer hires, like everyone else. There have been some pools throughout the state that tested positive for the West Nile Virus, so she again asked people to make sure they don't have any standing water for the mosquitos to lay their eggs in. She is working on the Veterans Program. Her husband was given an award for military personnel who

served in the cold war era. She is going to reach out to them to see about others in the City they could honor during the Veterans Program. Mrs. Beazer and Mr. Kelly will be helping her with program again and their first meeting will be in the 2nd week of August. The Military Academy will present the colors.

Council Member Bangerter said Fun Days was wonderful and he had a good time. He believes they may be able to have fireworks for a couple more years, but after the new Jr. High is built, he would like to see something like a laser show in place of them. The car/dog show was a really good one. He has heard a lot of good comments about the employees helping them with whatever they needed.

Council Member Macfarlane also said Fun Days went really well. She was able to attend the skate contest on Friday and he was impressed with the organization of it and the park really looked nice. She was concerned there was only one food truck though. Some senior citizens have asked about auto pay for their water bills.

Treasurer/Office Manager Youngdell said the reason they haven't done it is because the module cost about \$8,000 per year and the cost would have to be passed on to the residents, whether they use it or not. Autopay through their banks was suggested also. Council Member Macfarlane said she has been told it would be nice if the dumpsters could be reserved on line so the residents don't have to call during the week, but it was explained how that is not feasible because the reservations are filled way too fast. She commented on the letter received from someone about how the community came together to help a resident with their yard work.

Mayor Pro-Tem Wiggill was contacted by a resident about a neighborhood watch program and Police Chief Eborn received a packet on initiating a program, so they will get the packet to that resident and if there are more they will be approved on a community by community basis. He attended a badge pinning ceremony with the North Davis Fire District and it was very professional and well attended. The Fire Open House for Sunset will be on October 4th between 6:00 and 8:00 p.m. at the City Building. Over the 4th of July weekend NDFD only responded to a few minor incidents, so that is a credit to the people for being careful with their fireworks. He encouraged everyone to keep up the good work over the 24th of July. The park looked wonderful the day before Fun Days and the morning after the park still looked amazing so he commended the Public Works employees. The police presence during Fun Days was very good, also. He knows Fun Days is a team effort so he thanked everyone for the job they did.

11. Adjourn the regular session and move into the work session

Minutes:

Council Member Rigley made a motion to adjourn the regular session and move into the work session after a 10 minute break. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley and Smalling voting yes.

WORK SESSION

12. Discuss street lighting

Minutes:

Public Works Director Monroe advised UDOT will provide the City with money to replace the lights on Main Street with LED lights. Their contract price was \$10,841.28 and will bring the City's monthly payment down from \$458 to \$256 for a monthly savings of \$202. He referred to the emailed pamphlet he sent them and said the 2nd page shows several types of lights for the Council to choose from for the City standard. Rocky Mountain will install the lights for developments at a very good price. It is imperative that Rocky Mountain Power install them and contractors don't install their own or those poles then become Sunset City's responsibility. Main Street and 1800 North Street, which are State streets, will have the Cobra Head lights and the arterial roads which are City streets, will have the decorative lights. They discussed the each light shown, then lighting for the parks and residential lighting.

When asked when their decision for the lighting needed to be done, Director Monroe explained the Council has already approved the lighting presented to them for the Lofts at Falcon Ridge development. Those lights are not compliant with Rocky Mountain Power and the developer is not having Rocky Mountain Power install them. Technically, Sunset City will own those street lights on Main Street. Council Member Bangerter said he'll take the blame for that but they all missed it; Planning Commission included. They're going to miss stuff like that with such a big development. He would like to have a work session to see what they can do to mitigate that now. Director Monroe said, for the rest of the lighting, the decision would have to be made before the next development begins.

When asked if there was a plan to initiate replacing the Cobra lights, Director Monroe said this year they will replace the 35 on Main Street. When they discuss the budget for next year, he will get the cost from Rocky Mountain Power so that it's accurate then. He would like the Council to visit other cities to see what type of lighting they have, so they can make a decision fairly soon. He will reach out to see if Rocky Mountain Power can bring out one of each light so they can see how big they are and what they actually look like.

13. Discuss the Veterans Memorial Park

Minutes:

The discussion included whether or not to have the names of veterans displayed on the monument, whether or not to have a playground or let the park be thinking type park and add the playground equipment in other parks. It was said the infrastructure needs to be installed before they can even build the park. As it gets closer maybe they can get opinions from the veterans themselves, then decide what the City can actually do. They talked about a pond or water feature and the cost of the many regulations that have to be followed, so it will not be added. The Council discussed zero scaping the park as well to help show the residents how important it is to have zero scaping in their yards. The plants could also have signs by them with the plant name on them for educational purposes. The Request for Proposal for infrastructure

will be coming soon.

14. Discuss live streaming the Council meetings

Minutes:

Council Member Rigley conducted a poll on Facebook and she didn't get a lot of responses, but from those she did get they said they would be more likely to watch the meeting online than come to a meeting. She feels like a voice recording is not enough and a lot of cities do video recordings. It was mentioned that during the COVID lockdown, the Council held their meetings via Zoom and there were only two or three attendees at one meeting. Council Member Rigley said she would like video recordings to be made available on the City's website so people can view the meetings when they want to.

A system has been set up so video of the Council chambers can be seen in the Sunset Room in case of overflow and now there is the ability to broadcast the meetings.

There was discussion about social media being abusive, the age of residents being younger and more apt to watch video recordings of the meetings and doing research on the different platforms. Council Member Rigley said she would get cost estimates for broadcasting the video recordings. She was asked to give the information to Recorder Hale so this issue can be put on a work meeting agenda again.

15. Discuss needs for the America Rescue Plan Act (ARPA) funding

Minutes:

Treasurer/Office Manager Youngdell advised the first half of the ARPA money in the amount of \$317,416.50 was received last Friday. Council Member Bangerter stated he and Public Works Director Monroe have started working with the engineer to get the RFP out for the Veterans Park infrastructure and they would like to use about \$200,000 from the ARPA funds to help with the infrastructure. Director Monroe was asked to get bids on generator systems. Some of the money can be used for HVAC maintenance. Since upgrading the generator system deals with the sally port, maybe they could see about upgrading the sally port as well. Police Chief Eborn was asked to get the cost of the Public Order Unit equipment so they can see about purchasing it with this money. They have received no requests from any of the Districts for funding. Chief Eborn wondered if they could use some of the money to build two offices in the basement for Code Enforcement and the Victims Advocate. It was discussed and decided to put it on the list for further discussion.

16. Adjourn - 9:00 p.m.

Minutes:

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

DRAFT

D Howard Madsen, Mayor

Susan R. Hale, Recorder

| Minutes published on 09/10/2021 at 3:49 PM

Sunset, UT

Regular City Council Meeting

Minutes

Tuesday, August 3, 2021 at 6:30 pm

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at the date and time noted above. It will be held in the Council Chambers of the Sunset City Office Building, 200 West 1300 North, Sunset, Utah.

ATTENDEES: Mayor D Howard Madsen, Council Members Chad Bangerter, Nakisha Rigley, Nancy Smalling and Scott Wiggill.

Employees Recorder Susan R. Hale, Treasurer/Office Manager Linda Youngdell, Police Chief Ken Eborn and Officer Jon Honeycutt

Excused: Council Member Beverly Macfarlane and Public Works Director Jason Monroe.

Others Present: Jon Honeycutt's family and Kathy Gittens.

REGULAR SESSION

- 1. CALL TO ORDER & WELCOME by Mayor Madsen**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE by Council Member Smalling**
- 3. APPROVAL OF MINUTES - June 15, 2021 and July 6, 2021**

Minutes:

Council Member Smalling made a motion to approve the minutes of June 15, 2021 and July 6, 2021. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Rigley, Smalling and Wiggill voting yes.

4. PUBLIC COMMENTS

Each person desiring to make comments will have 3 minutes. Please state your name.

Minutes:

There were none.

5. Introduce and give the Oath of Office to Police Officer Jon Honeycutt

Minutes:

Jon Honeycutt was a little late so the Council started agenda item #6, then returned to this item when he arrived.

Police Chief Eborn said Officer Honeycutt was on duty as a reserve officer during Fun Days. He has a little experience from South Salt Lake and Ogden and he's been doing some private security work. His official first day with Sunset will be on August 5th. Recorder Hale gave him the Oath of Office, the Council congratulated him and he introduced his family.

6. Mayor, Council and Department Head reports

Minutes:

Council Member Bangerter recalled the words of Michael Love during a previous Council meeting when he said the City water does not smell or taste good. He has now heard that from 5 or 6 people. He has lived here for 26 years and has never had an issue, so he told those people to check their own water system to see if a filter may need to be changed or maybe they have an old water pipe.

Council Member Smalling will be meeting with Lorilee Beazer and Bill Kelley to begin planning the Veterans Program. She attended the HAFB Restoration Advisory Board (RAB) meeting about the groundwater contamination restoration. The plumes are shrinking, so they are doing a good job. They mentioned they are having trouble testing people's homes because they are not being invited in. She encouraged people to not turn them away when they are contacted so they can test the ground water. The residents' safety is worth a little imposition. If the home does show contaminants, they can install a system to clean the air. She believes if a person is not part of the solution, they are part of the problem so if people are going to make comments about the water quality, they should try to find out more information about it.

Council Member Rigley said the Davis Behavioral Health Center, which is basically the umbrella over the North Davis Communities that Care (CTC), will be offering to do some free yoga classes from their mindfulness center at the Mental Health Awareness Craft Fair.

Council Member Wiggill reported the community did an outstanding job of not causing many fires during this dry time. The NDFD Chief recognized the good work. He detailed the calls NDFD attended in Sunset during July. There will be a public hearing on August 12 at Station 42 about the property tax increase for the calendar year 2021 and about the bond issue. The meeting will begin at 6:00 p.m. Regarding the bad tasting water comment, when he replaced all the galvanized pipe in his house there was a huge difference in the taste of the water. It was expensive to do, but it was worth it. He knows the water being delivered to his house is good quality so he had to figure out why it didn't taste good. He asked people to call the City or Council Members to air their grievances; social media won't give the correct answers.

Police Chief Eborn advised when Officer Honeycutt starts on Thursday, the Police Department will be fully staffed. The Officer he thought was leaving decided to stay. Treasurer/Office Manager Youngdell stated there are still three trophies and magnets from the scavenger hunt that have not been picked up. When asked, Council Member Rigley said she would check the entrance forms for the contact information. The utility bills with the new utility rates will be mailed tomorrow, so the office staff has been handing information sheets on the new rates to residents who come in to prepare them.

Mayor Madsen thanked Council Member Wiggill for his updates tonight. The public hearing NDFD will be holding is the Truth in Taxation hearing required by the State when an entity increases the property tax rate.

7. Adjourn the regular session and move into the work session

Minutes:

Council Member Wiggill made a motion to adjourn the regular session and move into the work session. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Rigley, Smalling and Wiggill voting yes.

WORK SESSION

8. Discuss the I-15 Interchange regarding MIDA

Minutes:

Council Member Bangerter stated his concern with this is the boarder of Sunset used to be basically where the rail line is for the Army Rail Shop. Over the years, the conversation was always that if the property was not going to be used, it was going to convert back to Sunset. He wondered why it is not coming back to Sunset now and if the City was willing to fight for it. Mayor Madsen said he is willing to argue all he can, but the last thing he was told is that all of that property is under MIDA's jurisdiction now and they are trading it to UDOT for the land UDOT will no longer occupy with I-15. He was told very bluntly that the only thing Sunset was going to get out of it was a nicer way to get traffic from I-15 to Clinton. Council Member Bangerter said that is what bothers him. The land was taken from Sunset when I-15 was built. He knows Clearfield and Roy are in the same boat, but they don't need the tax revenue like Sunset does and neither does MIDA, so it might be worth at least talking to an attorney about. Mayor Madsen said he will talk to the area's newest congressman's aide about it and Council Member Smalling believed it was worth the fight. However, Council Member Wiggill advised them to be careful because the rail station land is contaminated land Sunset may have to clean it up at incredible cost if given jurisdiction over it. If MIDA wants to have Sunset provide police and public works services, it will need to come with financial benefits.

9. Discuss live streaming the Council meetings

Minutes:

Council Member Rigley presented this item with a power point presentation. She believes the Council should live stream and provide access to video recordings of Council meetings for transparency, accessibility and convenience, and social distancing. In statistics she located, 67% of the people polled considered video recordings to be the most transparent. Transparency means making information available to residents in every way possible and entities that are forward thinking and seeks citizen engagement would do that. Video brings accessibility to the disabled, those who work nights, have children, are sick or lack transportation, to name a few. Social distancing is self explanatory. She listed some of the concerns and her responses to them: 1) people don't watch the livestreams or recordings - that doesn't mean it shouldn't be available to those who want to; 2) people might make rude or

misleading comments - there will always be dissent and the Council should allow it with grace and class. However, the comments can be restricted to the public comment agenda item. Some of the basic needs to live stream are video and audio resources, mixer feeds and a video encoder. She conducted a poll on Facebook and only got about 20 responses, but 85.7% of them said they would attend more Council meetings if they were live-streamed.

Council Member Wiggill said they could probably use some of the ARPA money for the equipment to live stream in case they have to hold meeting like that again. He wondered if other cities allow comments from those not present or if it is simply a way to view the Council meetings. However, he agrees they should provide the video but maybe not the comments.

Council Member Smalling would like to see the option of recording the meetings for later viewing, but would like more input from the residents. She is also concerned about the cost being passed on to the residents. She loves the technology, but maybe the City is not ready for live streaming yet. It is also good for the elderly and people in general to get out of the house and having social interactions. Attending a Council meeting might be their avenue. She is not trying to promote only live streaming or video recording; she is trying to make it available to those who want it. She also doesn't believe there is much of a cost to do it.

Council Member Bangerter is against it and said it is not required by the State. There will be a cost for the camera system and the maintenance of it. He also said, even when there is an item on the agenda most of the citizens are passionate about, there are only about 350 who come. Most of the time there are only 1 to 3 citizens in attendance. Only one of the five people he talked to about this said they would watch a Council meeting video. The rest said they voted him in and will call him if they have an issue they want discussed. He presented a pie graphs from Syracuse, Roy and Plain City, where they do live streaming. Syracuse has a population of 30,000 and only about 100 people view their broadcast; out of a population of 35,000 in Roy only an average 15 people watch it live and about 100 watch it later; and Plain City has a population of 7,000 and only an average 7 people watch them. Another reason he is against it is the added duty to City staff that is not mandated.

Council Member Rigley said the reason she said the comments could be turned off was to quell the Council's fears of mean comments. She believes it is important for some people to have visual recordings instead of audio, such as deaf people. She feels the Council needs to consider the needs of a lot of different people and it bothers her to hear a Council Member say they don't want to do a little extra work to make things a little more transparent. She is a social media manager and it is not much extra work to post a video when you're already working with things like that. There are a lot of new people coming to Sunset and the median age is younger and it is the main way they get their information.

Council Member Wiggill asked if someone wanted to take the lead on this to gather information on what is needed to make this type of system work and what it would cost. He also asked the Council to ask their constituents how they feel about it.

Council Member Rigley stated she would get numbers and Mayor Madsen said he would like to take four weeks for this to happen and get it back on the agenda where a vote can be taken. That was agreed upon.

10. Discuss the Sunset City BMU and TC ordinances regarding the commercial uses allowed

Minutes:

When asked if this was regarding a butcher shop being considered a use in these zones, Recorder Hale explained that is what started her thinking of other uses that might be suited to these zones that are not addressed in the ordinances, so she asked for this to be on the agenda. This was discussed a little and it was decided to task the Planning Commission with reviewing businesses that may be suited to these zones and drafting a list to bring back to the Council.

11. Discuss "Welcome to Sunset" sign

Minutes:

Mayor Madsen stated this started with Roy City's plan to place a "Welcome to Roy" sign on the east side of Main Street and a Council Member wanting to put a "Welcome to Sunset" on the back of their sign. However, that sign would be on the wrong side of the street. Council Member Wiggill said there are costs associated with this and although this came up now, he feels it would be better to wait until budget time to discuss it further. Mayor Madsen said that was his thought as well. Council Member Bangerter mentioned back when Jan Galbraith was Mayor, they discussed installing a rock-type sign on the east side of Main Street at the south end of town, but the UDOT Regional Manager shut them down saying the rocks could be projectiles in a vehicle accident off of I-15. However, there is a new Manager who may have a different philosophy. It will be discussed more during budget time.

12. Discuss the America Rescue Plan Act (ARPA) funding and expenditures

Minutes:

Mayor Madsen said the most important thing is the generator system to power the City Building and believes that will be about 1/3 of this tranche. He has directed Chief Eborn to get more PPE, as another round of COVID is happening. The Council discussed inventorying the PPE so they know what they may need in the future. Another expense may be to provide City staff with more comfortable face masks. Having the Office Staff wear masks while helping people at the counter was discussed and it was said they won't have to wear them at their desks, but should wear them while at the counter. Spending about \$200,000 of this tranche on the Veterans Park was also discussed.

13. Adjourn - 7:50 p.m.

Minutes:

Council Member Wiggill made a motion to adjourn. Council Member Rigley seconded the motion. The motion passed unanimously with Council Members Bangerter, Rigley,

Smalling and Wiggill voting yes.

Minutes approved September 21, 2021

D Howard Madsen, Mayor

Susan R. Hale, Recorder

Sunset, UT

Regular City Council Meeting

Minutes

Tuesday, August 17, 2021 at 6:30 pm

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at the date and time noted above. It will be held in the Council Chambers of the Sunset City Office Building, 200 West 1300 North, Sunset, Utah.

ATTENDEES: Mayor D Howard Madsen, Council Members Chad Bangerter, Beverly Macfarlane, Nakisha Rigley, Nancy Smalling (arrived 6:37 p.m.) and Scott Wiggill. Employees Treasurer/Office Manager Linda Youngdell, Police Chief Ken Eborn and Public Works Director Jason Monroe.

Excused: Recorder Susan R. Hale.

Others Present: Planning Chair Laura Penman, Jared Andersen & Mark Clifford from JAG Properties, Joseph Cook, Leland Martineau & Henry DeVarona from the Sunset Towne Center Development and Janet D. Lujan

REGULAR SESSION

- 1. CALL TO ORDER & WELCOME by Mayor Madsen**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE by Council Member Macfarlane**
- 3. PUBLIC COMMENTS**

Each person desiring to make comments will have 3 minutes. Please state your name.

Minutes:

There were none.

- 4. Consider a conditional use request from JAG Properties, LLC to build 13 townhomes on property located at approximately 1375 North 250 West**

Minutes:

Planning Chair Penman said one of the main concerns the Commissioners have about this project is using the City Building entrance driveway on 250 West to get access to their private road. They don't believe the tax payers should have the burden of paying for upkeep on the entrance when the residents of the development will cause most of the wear and tear. Other than that the Commissioners approved of the development. Jared Andersen asked about a cross easement there. Council Member Bangerter said his first thought was to change the grade of the access because it was a poor access, but the police entrance would then need to be changed. He asked if it would be a possibility of changing that driveway access to a City road to the Veterans Memorial Park, then it could be used as a road to enter the development as well. That idea would need more research. Mr. Andersen said that entrance is a little tricky with the grade going up and asked if the park was going to follow that same grade. Mayor

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Madsen said a couple ideas had been discussed, one of which was to wing out the entrance so it can be approached at an angle. Mr. Andersen said they added that to the latest drawings, version 7. Council Member Bangerter explained how the park could be planned to eliminate the height difference and make it more level. Mr. Andersen said they were willing to work with the City to figure out the entrance and maintenance of it. Mayor Madsen stated this can be discussed when the plans come in, but right now the issue is whether or not to approve the conditional use request on the concept.

Council Member Wiggill said originally the Council saw a plan for 3 separate properties, each having its own accesses onto 250 West. Now it is one line of homes with 13 units where the residents will have to travel over City property to get to their garages. He is having a hard time visualizing 13 townhomes along that short expanse of property but obviously they all fit according to the plans. Council Member Bangerter explained multi-housing was always this developer's intent. It fits within the zone and the only issue is the entrance. Having driveways in the back allows the developer to build on top of the garage and the issue the City has with driveways in the front is there would be 13 entrances onto 250 West so it's better for everyone to have the driveways in the back. Council Member Macfarlane shared Council Member Wiggill's concern with using the City's driveway onto 250 West.

Treasurer/Office Manager Youngdell clarified the Planning Commission only reviewed the conditional use in an R-3 zone. They saw the plan and voiced their concern with the use of City property to enter the development. All the Council has to decide tonight is whether or not to grant the conditional use for the development in the R-3 zone. Planning Chair Penman added the Commissioners approved the use with the condition that the plans come back before them and the Council with the entrance issue figured out. Council Member Macfarlane said she would like to table this issue until they see the entrance.

Council Member Bangerter made a motion to approve the conditional use request. Council Member Smalling seconded the motion.

Council Member Macfarlane made a motion to table this item until they can see what is going on with the entrance. The motion died for lack of a second.

The motion by Council Member Bangerter passed 4 to 1 with Council Members Bangerter, Rigley, Smalling and Wiggill voting yes and Council Member Macfarlane voting no.

Council Member Bangerter asked to have discussing the entrance on the work session agenda.

5. Consider a request for reduction in total landscaping required for the Sunset Towne Center Development to be located at approximately 335 West 1300 North

Minutes:

Planning Chair Penman said the Commissioners did not approve the reduction in landscaping for several reasons. The plans they received did not have consistent

numbers from page to page and they did not believe the landscaping met the vision of what the Council had for the TC zone. There are no set parameters for percentage of landscaping in the TC zone ordinance, so this percentage was pulled from another ordinance and calculated to be 25%. The amount shown for the development was 22-23% and they questioned if the pool, greenspace, sidewalks, etc. was figured into that percentage.

Joseph Cook said the ordinance the landscaping percentage was in was drafted many years ago and only addresses commercial or multi-family developments; not mixed-use. The 25% was derived from calculating a percent of commercial and a percent of multi-family, then combining them. There is no actual percentage spelled out in the code. After several changes in their plans, they have gotten their landscaping up to 23.1% and they hope, in this time of drought, that is satisfactory. The TC zone ordinance has it's own paragraph about landscaping for mixed-use. He believes the 25% number is an arrived number and is not in City Code.

Mayor Madsen said he doesn't like the fact this issue was sent to the Council without the Planning Commission's approval. It sounds like the ordinance needs to be reviewed and redone so it has the proper percentage. Chair Penman said they talked about reviewing 9-8-6 and talked about reviewing the TC chapter to fine tune the landscaping, but currently the TC chapter specifically says under 'other requirements' "meet requirements of section 9-8-6." She made the comment that if there was more commercial area the landscape percentage would be lower, but since the developer wanted more residential the percentage of landscape is higher.

Council Member Bangerter said the ordinance also gives the Council the opportunity to change the percentage if they feel it's warranted, which is what is being requested. There are some concerns with this development, but he does not feel this is one of their big concerns. 23% opposed to 25% doesn't seem to be big and feels the Council should approve this request.

Council Member Bangerter made a motion to approve the reduction of landscaping to 23.1% for the Sunset Towne Center. Council Member Macfarlane said she appreciates what the developer is doing, but she feels the Council should be concerned about green space because that is how they breathe. If they keep reducing it, one day they will be concerned about how they're going to breathe. Council Member Rigley noticed Mr. Cook had suggested roof-top landscaping and green walls during the Planning Commission meeting and asked Mr. Cook about that possibility. Mr. Cook replied would prefer not to do roof-top, but is amenable to green walls because he doesn't like putting turf on the roof with potential leak issues. Mayor Madsen believes the reason they have a Planning Commission is to have regulations in place and that Mr. Cook knew what those regulations were. Having said that, a motion had been made and he asked for a second. Council Member Wiggill seconded the motion. The motion passed 4 to 1 with Council Members Bangerter, Rigley, Smalling and Wiggill voting yes and Council Member Macfarlane voting no.

Council Member Wiggill said he agreed 100% that before that came before the Council, the Planning Commission should have done their part and had their review

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and provided the Council with their professional opinion. In the future, if this comes to pass like they said today with the 23.1%, he would like to be on record as saying, "before these things come before the Council, it requires approval from the Planning Commission that it be done before it is allowed to be put on the agenda." Mayor Madsen advised the information went out that this would be on the agenda without the Commissioners' approval. Council Member Macfarlane said it should have been approved by the Planning Commission before the Council voted on it. Mayor Madsen said that does not have to happen. If the Commissioners don't approve of it, they can send it to the Council without their approval. Council Member Wiggill reiterated that for him, if it would be worked out and approved by the Planning Commission prior to coming before the Council he would appreciate it. It's not about rules or anything. Council Member Bangerter defended the Planning Commission saying if it was anyone's fault it was his for not being able to be at their meeting. He may have pushed them a little harder to approve it, but they have known for months that this was a potential issue. This isn't new to anyone and for the Planning Commission not to approve it before sending to the Council is well within their rights.

6. Consider a request for reduction in total parking required for the Sunset Towne Center Development to be located at approximately 335 West 1300 North

Minutes:

Planning Chair Penman stated the Commissioners begrudgingly approved this item because they met the residential parking requirements and Joseph Cook had been told from the beginning they would not even entertain shared parking unless the residential parking requirement was 100% met. The request approved was for 21 shared parking stalls.

Mr. Cook read ordinance section 10-5G-4 that states shared use parking shall be encouraged and there must be a mitigation or management measure in place to accommodate this. They will have covenants and restrictions in place, signage about towing and will issue parking stickers. Chair Penman stated the plan shows 10 motorcycle stalls, which the Commissioners said must be turned into regular parking stalls. They figured the amount needed for commercial was short by about 21 (or 5%) parking stalls. The conditions of the mitigation agreement are to say they will be issued a sticker instead of maybe. Leland Martineau explained 381 stalls are required for residential and the plan shows 383 full stalls. 28 stalls are required for commercial, so with there being 2 more residential stalls than required they will need 26 stalls to be shared parking between residential and commercial. Chair Penman stated they begrudgingly approved the 21 shared parking stalls because the plans did not show the totals and everyone was trying to quickly count the stalls. Therefore, they didn't know for sure how many shared stalls were needed. When asked her opinion on 26 stalls, she said the Commissioners approved 5%, so if 26 stalls is more than 5%, she cannot guarantee the entire Planning Commission would be okay with it. Mr. Martineau said there are 10 motorcycle stalls and 8 of them could be converted to

four full sized stalls, which would bring them up to 387 stalls, reducing the number of shared stalls to 22. Chair Penman said the 5% approved was including the 10 motorcycle stalls being converted to 5 full stalls. Mr. Martineau said, in that case it is the 21 shared stalls that are needed.

Council Member Bangerter made a motion to approve the 22 shared parking stalls with the condition that the regulations be as noted in the Planning Commission notes: 1) Covenants and Restrictions: The shared parking stalls will be governed by the CCR's and Rules & Regulations of the Association. The Board will have the authority to govern the shared parking stalls as needed; 2) Signage: Any and all parking placed into shared use will be designated by signage alerting people of the shared use and time for occupancy; 3) Towing: The shared parking stalls will likely be enforce by warnings and, if need be, by towing by a local towing company; and 4) Parking Stickers: Owners of the Association will be given a parking sticker to verify their parking on the property and 5) there will be no motorcycle stalls. There was discussion that the Commissioners wanted the 10 motorcycle stalls turned into 5 regular stalls and when Mr. Martineau explained the 2 inside motorcycle stalls are not connected and cannot be turned into 1 regular stall, the Council was satisfied with having 22 shared parking stalls. After clarifying Council Member Bangerter had finished his motion, Council Member Wiggill seconded the motion. The motion passed 4 to 1 with Council Members Bangerter, Rigley, Smalling and Wiggill voting yes and Council Member Macfarlane voting no.

7. Consider a request for reduction of total frontage required for the Sunset Towne Center Development to be located at approximately 335 West 1300 North

Minutes:

Planning Chair Penman stated this item also did not receive the Commissioners' approval. The reason, as far as the frontage build out, is what the plan has been amended to is not what the Commissioners envisioned when they recommended the TC ordinance. When this item was presented to the Commissioners, the developer said the plan was approved, but in fact the Commissioners' approval was with the condition the development met the zone requirements and it doesn't.

Joseph Cook said they sent in their first set of engineered plans in February of 2020. Other than making parking amendments, this plan has not changed, and has been approved by the Planning Commission and City Council. The City Code states the frontage build out is 60% minimum and 90% maximum, but when 60% is unreasonable it may be reduced by the Planning Commission and City Council. Upon their request, the 2,500 square foot lot area and 25 foot minimum to 180 foot maximum lot width has been removed from the ordinance. Now they are requesting a reduction in the 60% minimum, which the ordinance states they can do if the 60% minimum is unreasonable. This plan has been before the City on numerous occasions and this issue has not arisen until now. Their loan with the bank is only two years, which is February 2022 and they don't want to have to redraw the plan because

changing two buildings changes the grade of the entire project. They are hoping to get the development going and they are at 40.3% frontage build out right now. City staff has now caught this, so they need to ask for the reduction to be able to move forward. When asked if the unreasonableness is the cost, Mr. Cook said yes, but this plan has been reviewed several times and expanding the width of these building will cause a total redraw of the plans. The City Council has been very reasonable all along and this is the last major hurdle of this project.

Council Member Bangerter said there would be exceptions to the ordinance and that is why the ordinance states they can request an exception. He feels if the Planning Commission didn't feel the regulations could be adjusted they would not have sent an ordinance to the Council with that wording in it. He is excited to see this development happen and he is not concerned about the reduction. He doesn't know where the Planning Commission will go with this in the future and, when another development comes in, the ordinance may change to where a reduction is not allowed, but right now there is the option.

Council Member Bangerter made a motion to approve the reduction of total frontage to 40% for the Sunset Towne Center. Council Member Wiggill seconded the motion. Mayor Madsen made the comment that every time the Council makes a change it is to save Mr. Cook money. Chair Penman stated the TC zone was created to have more build out in the front and this development goes against that, but it's what they want as a Council. Council Member Rigley said, for the record, she respects the Planning Commission's vision for that and it is a big deal for the City. Council Member Smalling stated her concern for the frontage portion of the buildings and what they may look like in 10 years. Council Member Macfarlane shared Council Member Smalling's concern and said they shouldn't do just anything to get this development in no matter what. Council Member Bangerter said he understands what the vision is, but the developments he's seen where the buildings are right in front are all on a main thoroughfare and this is among residential, so he wondered if they really want this type of frontage. There was a lot of back and forth commenting between Council Members, the developer and the architect. Mayor Madsen reiterated there has been a motion and a second and called for a vote. The motion passed 4 to 1 with Council Members Bangerter, Rigley, Smalling and Wiggill voting yes and Council Member Macfarlane voting no.

8. Consider ordering the rock features for the Veterans Memorial to be installed when the Veterans Memorial Park is constructed

Minutes:

Mayor Madsen referred to pictures he had given the Council of rock features with flag poles in them for the U.S. and each military service. The cost is \$11,500. He would like to get the Council's approval to order and pay for them. The company will hold them until the Veteran's Park is ready for them to be installed. Each rock will also have the military branch seal on them, along with the major rock having the words, "Sunset Veterans Memorial Park honoring all who have sacrificed for their country." He wants

it to honor, not only the veterans, but their families as well.

Putting the memorial out for bid was discussed, but the cost of this feature is below the amount that requires a bid. The new space branch of the military was not included in the cost so it would add \$1,500 for a total of \$13,000.

Council Member Bangerter made a motion to approve the purchase of the rock features for the Veterans Memorial Park. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley, Smalling and Wiggill voting yes.

9. Mayor, Council and Department Head reports

Minutes:

Council Member Wiggill said he will be proving them with a list of emergency provisions stored in the basement and he would like them to review it so they can decide what more they need. He reported that the NDFD tax increase was approved after the Truth in Taxation Public Hearing was held. The paramedic services they will be providing and the facilities issues were addressed and public input was given.

Council Member Rigley reported the event partnered with North Davis Communities that Care Coalition (CTC) is coming together nicely. It will be on September 17, 2021 from 5:30 to 8:30 p.m. at Central Park. Public Works Director Monroe received a donation for the fair and the CTC will provide \$700. There will be therapy dogs and several crafters, food vendors and tables set up for onsite crafting, along with mental health awareness booths.

Council Member Smalling said the Mosquito Abatement is wrapping up their season and Davis County has had some pools test positive for the West Nile virus, but no people have tested positive so far. She and Bill Kelly have been working on the Veterans Day program. It will be on November 11, 2021 at 6:30 p.m. in the Sunset Room. The theme will be "We don't know them all, but owe them all." They will be asking for some volunteers to help them. She has contacted HAFB for a speaker and hopes to have the Military Academy for the flag presentation. They will be having a moment of silence this year because of everything that has gone on this year.

Council Member Bangerter said he has talked to some residents about the NDFD and it is amazing to him that some still think Sunset could afford its own Fire Department. That was only a few and most support the NDFD and understand the reason for the tax increase to provide paramedic services. He thanked the Planning Commission for their hard work, saying what they saw tonight is something they probably won't see a lot of. There are big developments going on and they come with a big cost. There are only two Commissioners that deal with development on a daily basis and the rest of them, including the Council, are learning as they go. He thanked all the employees for their hard work. He gave condolences to Recorder Hale and her family for their loss.

Council Member Macfarlane also thanked the Planning Commission for their hard work. She has been gone for a couple of weeks, so she appreciates Council Member Rigley's work on the craft fair. She has had four residents ask to be on the Youth City Council and would like to get applications for them. Council Member Rigley asked for

their contact information so she could send them the applications. She would like to know where the Council is on street lighting. She apologized for being overly cautious about passing things for the developments, but she feels like they are doing everything they can to accommodate their needs and is nervous about how the developments will be in the long run. She appreciates everything everyone is doing. Police Chief Eborn explained why all the sirens were heard just before this meeting. Sunset's newest officer attempted to make a traffic stop and the car fled at a high rate of speed northbound from 1800 North on 250 West. The time of day was not good, so the officer was instructed to terminate the chase, which he did. The fleeing vehicle hit a truck parked at John G White North Park so hard it flipped it on its top into the fence. The vehicle continued to the Sunset/Roy boarder before stopping and the driver fled on foot. The police did apprehend him and he is currently being treated at a hospital before being transferred to the Davis County jail. No one else was hurt during the incident. Several departments were in the area including Roy, Clinton, Davis County and NDFD. The owners of the truck were loading or unloading soccer equipment and just seconds before it was hit they had been standing behind the truck. When asked about a code enforcement employee, Chief Eborn replied Steve Pease was hired and he has been out canvassing the City for 32 hours in the last two weeks.

Public Works Director Monroe reported next week they will be repairing the bad spots on the walking tracks of John G. White and Rachael Runyan Memorial parks. Water will be off all day tomorrow along 1800 North from 250 West to Main Street and 250 West to 1600 North for the North Davis Sewer to put a new manhole in and loop the City's water line. 800 North will be closed at 450 West on Wednesday through Friday to do warranty work on the 800 North project.

Planning Chair Penman asked if the Council wanted the Planning Commission to revisit City Code Section 9-8-6 and the TC zoning ordinance. They would like to do so with the vision they had for the City because a lot of the adaptation and changes they have done have gone against what the Council said they wanted in that zone. Mayor Madsen suggested changing the ordinances now, instead of making changes for certain developers. Council Member Bangerter originally the Council asked the Planning Commission to draft and present the ordinance to the City Council. Of course, the Council approved the ordinance because, not being engineers, they didn't know what they were looking at. What they are doing now is adjusting it to fit actual development they are seeing in the City. When the Planning Commission reviews the ordinances and if they don't agree with the things the Council has changed, then he feels they should have a work meeting with the Council to show them visually what they would like to see. Maybe have the engineer attend so he can show them different things. Council Member Wiggill said the code requirements can still be there and the code states the developers can request a requirement change, so he doesn't believe the ordinances need to be changed. The Planning Commission can review taking out the statement where a request for reduction can be made making it so the ordinance has to be followed as written and bring it before the Council. Mayor Madsen asked the

Planning Commission to look at that. Chair Penman said the Commissioners want to set up the ordinance so it benefits the City, not just one project.

10. Adjourn the regular session and move into the work session

Minutes:

Council Member Wiggill made a motion to adjourn the regular session and move into the work session after a five minute break. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane, Rigley, Smalling and Wiggill voting yes.

WORK SESSION

11. Discuss amending the Sunset City Ordinance regarding park strips to help residents qualify for the "flip your strip" rebate program

Minutes:

Council Member Rigley wondered if updating their ordinance would be beneficial to the City, so residents can apply for a rebate if they want to replace grass with zero scape in their park strips. The rebate program gives residents \$1.25 per square foot from the Weber Basin Water District for converting qualifying landscape. So far Layton is the only City with a qualifying ordinance.

Director Monroe asked if Sunset City residents could qualify for the program since Sunset does not have secondary water. Council Member Rigley said she would find that out and come back.

12. Discuss the Sunset City Water Master Plan

Minutes:

Public Work Director Monroe just wants the Council to be aware of this for future development. He said currently Sunset has a contract for 1,400 acre feet of water from Weber Basin Water. The City currently uses between about 900 acre feet per year. Per the Water Master Plan survey, of the approximate 500 acre feet of water left over each year, the development on Main Street and the development on 1300 North will use 50% of the acre feet left over with normal water use. If the City has to end up purchasing more water than the allotted 1,400 acre feet, it will be extremely expensive. The City currently has about 1,700 homes and those two developments will add 500 more, which is a 25% increase in home population.

When asked if the extra water would be purchased at the low rate Sunset already pays, Director Monroe stated no; the additional water would have to be purchased at the rate Weber Basin is charging when it happens and the residents' utility rates would have to be increased to cover the cost. The reason he brought this up is because the City's water rate for residents had to be increased this fiscal year to cover the Weber Basin Water operations cost increases over the past few years. If the City has to start purchasing more water that \$2.00 increase of this year will be a \$7.00 or \$8.00 increase then.

Added development was discussed with an increase in property tax revenue being

very small in comparison to the extra water, police and other services needed for the increase in population. Impact fees were brought up and those fees will only pay for added infrastructure in that area; not the increase for added water, sewer, maintenance, etc. costs. The Council will have to think about and implement a long term solution for added population.

13. Discuss the America Rescue Plan Act (ARPA) funding and expenditures

Minutes:

Director Monroe said he has six bids coming in for the updated generator system. The current City Building generator will be moved to Public Works because they have to be able to work also. Treasurer/Office Manager asked if she could add the membership fees for the zoom meeting program to the ARPA list like they did with the CARES money. That was agreed to by the Council.

Council Member Wiggill presented an inventory list of the emergency preparedness items that the City has currently in stock. He would like each Department Head and Council Member to review the list and let him know if they think it's adequate or what they believe should be added so they can complete the City's needs while they have the funding. If there is ever an emergency there will be a huge demand from the City, so the better prepared they are the better.

14. Adjourn - 8:50 p.m.

Minutes:

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

Minutes approved September 21, 2021

D Howard Madsen, Mayor

Susan R. Hale, Recorder

Sunset, UT

Regular City Council Meeting

Minutes

Tuesday, September 7, 2021 at 6:30 pm

PUBLIC NOTICE IS HEREBY GIVEN that the Sunset City Council will hold a regular meeting at the date and time noted above. It will be held in the Council Chambers of the Sunset City Office Building, 200 West 1300 North, Sunset, Utah.

ATTENDEES: Mayor D Howard Madsen, Council Members Chad Bangerter, Beverly Macfarlane and Nancy Smalling.

Employees Recorder Susan R. Hale, Treasurer/Office Manager Linda Youngdell, Police Chief Ken Eborn and Public Works Director Jason Monroe.

Excused: Council Members Nakisha Rigley and Scott Wiggill.

Others Present: Arlo Doyle, Kathy Gittins, Wanema Butcher and Verne Davis.

REGULAR SESSION

- 1. CALL TO ORDER & WELCOME by Mayor Madsen**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE by Mayor Madsen**
- 3. APPROVAL OF VOUCHERS - \$29,768.10**

Minutes:

Council Member Macfarlane made a motion to approve the voucher for Paragon Construction Systems in the amount of \$29,768.10. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane and Smalling voting yes.

4. PUBLIC COMMENTS

Each person desiring to make comments will have 3 minutes. Please state your name.

Minutes:

There were none.

PUBLIC HEARING

5. To seek public input on adopting an Impact Fee Facilities Plan and Impact Fee Enactment related to culinary water

Minutes:

Council Member Macfarlane made a motion to go into the Public Hearing. Council Member Bangerter seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane and Smalling voting yes.

It was explained that the increase in multiple family dwellings means the water flow has to increase, which means larger main water lines in those areas. An impact fee

study and impact fee analysis was conducted for water. This fee will only be charged to new developments; the existing homes will not have to pay this fee. The study compared the current need versus the future needs and the fees will be based on an "Equivalent Residential Unit (ERU)". The impact fee for multiple family housing will be calculated on 0.66 ERUs per unit. There are very stringent rules on what an impact fee can be used on, such as only water lines relating to the development it was paid for and how the impact fee can be used. There are also strict accounting requirements for each impact fee collected.

When opened to the public, Arlo Doyle said the announcement for the public hearing did not make it clear the the impact fee would only affect new construction, so he felt an impact fee on culinary water was kind of like an insidious form of taxation for the residents. His greatest concern was how it was going to affect current residents and he knows now it will not.

When asked about it by Council Member Bangerter, it was explained that the maximum fee per ERC is \$2,690. Impact fees started to be discussed and it was said this hearing was only to gather public input on passing the impact fee ordinance and impact facilities plan. The City will adopt the actual fee at a later meeting because, per State Code, the ordinance won't go into effect for 90 days.

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

REGULAR SESSION

6. Consider Ordinance 2021-04 adopting the Impact Fee Facilities Plan and Impact Fee Enactment related to culinary water

Minutes:

There was no further discussion.

Council Member Bangerter made a motion to approve Ordinance 2021-04. Council Member Macfarlane seconded the motion. The motion passed unanimously with a roll call vote: Council Member Bangerter - yes, Council Member Macfarlane - yes, Council Member Smalling - yes.

7. Mayor, Council and Department Head reports

Minutes:

Council Member Smalling reminded everyone the Veterans Program will be in the Sunset Room on November 11, 2021 at 6:30 p.m.

Council Member Bangerter said he met with JAG Properties and they will be bringing this before the Council at the next meeting, but he wanted to give the Council a heads up so they could review what it is. There is something called a cross access agreement. Mayor Shepherd told him Clearfield has done this quite a bit. JAG Properties would like to do one on the City Building entrance off 250 West for entry to their planned access road. He read a page stating that a cross access agreement is typically used between two property owners to allow them to access their properties

through a common entrance. It happens on residential flag lots as well as between commercial properties. The agreement is recorded with the County so neither entity can close off the access. There is such an agreement in Clearfield between Wingers, Burger King and Party Times due to UDOT only allowing one access to State Street. They each contribute to a fund for parking lot maintenance. JAG Properties will ask to have this type of agreement with Sunset City and in return will pay the cost of the engineering to draw up the road and add curb, gutter and sidewalk on the north side of the street from 250 West to their entrance. They would drop the grade 1% or 2% and they would roll the corners.

Council Member Macfarlane said she took a tour with the Weber Basin Water Conservancy District at Smith & Moorehouse and Rockport to see their divergent program. About 150 people were on the tour. She is a little concerned with how low the dams are and how the fish are dying. She brought back information for the Council to see. She would like to see two more bus stops covered and in place on Main Street. She said the crosswalks look good with fresh paint and she appreciates the highway being mowed. September is Senior Activity Center month and the seniors are being encouraged to go back to the Davis Senior Center. She listed some of the classes being held there. She has been working with Council Member Rigley on the Mental Health Craft Fair and they have gotten some donations, including fruit and water. Treasurer/Office Manager Youngdell said she sent out an email last week about attending the Utah League of Cities and Towns conference and she has not heard back from two Council Members. She will need to know if they are going by Friday so she can get them registered.

Public Works Director Monroe said only about half of the crosswalks were painted because there is a mass shortage of traffic paint. The estimated time of arrival for the next batch is March of 2022. All of the walking track repairs have been done, but they are not being striped. The 300 West and 1600 North water project is almost done, but there is a bit of work that has to wait until the sewer district project has moved from that section of roadway.

Mayor Madsen advised there is a committee who hired a firm to study the bike trails in Davis County. Their report will show where they recommend bike trails to be located to join with other cities. He stated the North Davis Sewer District project will be done soon on Sunset's portion of 1800 North. The bond was passed for North Davis Fire District to build a new building in place of Fire Station 41.

8. Adjourn the regular session and move into the work session

Minutes:

Council Member Bangerter made a motion to adjourn the regular session and enter a work session. Council Member Smalling seconded the motion. The motion passed unanimously with Council Members Bangerter, Macfarlane and Smalling voting yes.

WORK SESSION

9. Discuss the America Rescue Plan Act (ARPA) funding and expenditures

Minutes:

Public Works Director Monroe stated he has not received any bids for the generator system yet. Mayor Madsen said he has given Chief Eborn the okay to get any more needed PPE and Council Member Wiggill is still waiting for responses about adding to the inventory. Director Monroe reported the new HVAC system has had its first round of replacement filters and it went smooth. He would like to buy one more set of hepa filters with this money. The HVAC maintenance can be removed from the list because it is an ongoing cost and it's budgeted elsewhere.

10. Adjourn - 7:10 p.m.

Minutes:

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

Minutes approved September 21, 2021

D Howard Madsen, Mayor

Susan R. Hale, Recorder

Email I received on Sept. 16, 2021

Hi Sue, here is our proposal;

My recommendation would be that we put a cross access agreement (attached legal written up description) in place to allow the townhome owners to access their homes using the driveway into the city offices. In return, JAG will pay the costs of engineering (\$1,860 attached is the engineered entrance). Jag will add curb, gutter and sidewalk to the north side of the street from 250 W to their entrance. With their road crew on site, the city could take advantage of that and save the mobilization costs from the contractor as they would already be on site.

Thanks~Mark



SUNSET TOWNHOMES

SUNSET, UTAH

JOB NO. 7542-02

9-7-2021

CROSS ACCESS EASEMENT

(PRELIMINARY – NOT TO BE RECORDED)

PART OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 5 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN, U.S. SURVEY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF PARCEL 13-079-0041, SAID POINT BEING N00°06'53"E 245.34 FEET AND N89°53'07"W 1181.44 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 26; THENCE S00°03'23"W 40.00 FEET; THENCE N89°56'37"W 110.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF 250 WEST STREET; THENCE N00°10'57"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 40.00 FEET TO THE SOUTHWEST CORNER OF PARCEL 13-079-0041; THENCE S89°56'37"E ALONG THE SOUTHERLY LINE OF PARCEL 13-079-0041, 110.78 FEET TO THE POINT OF BEGINNING.

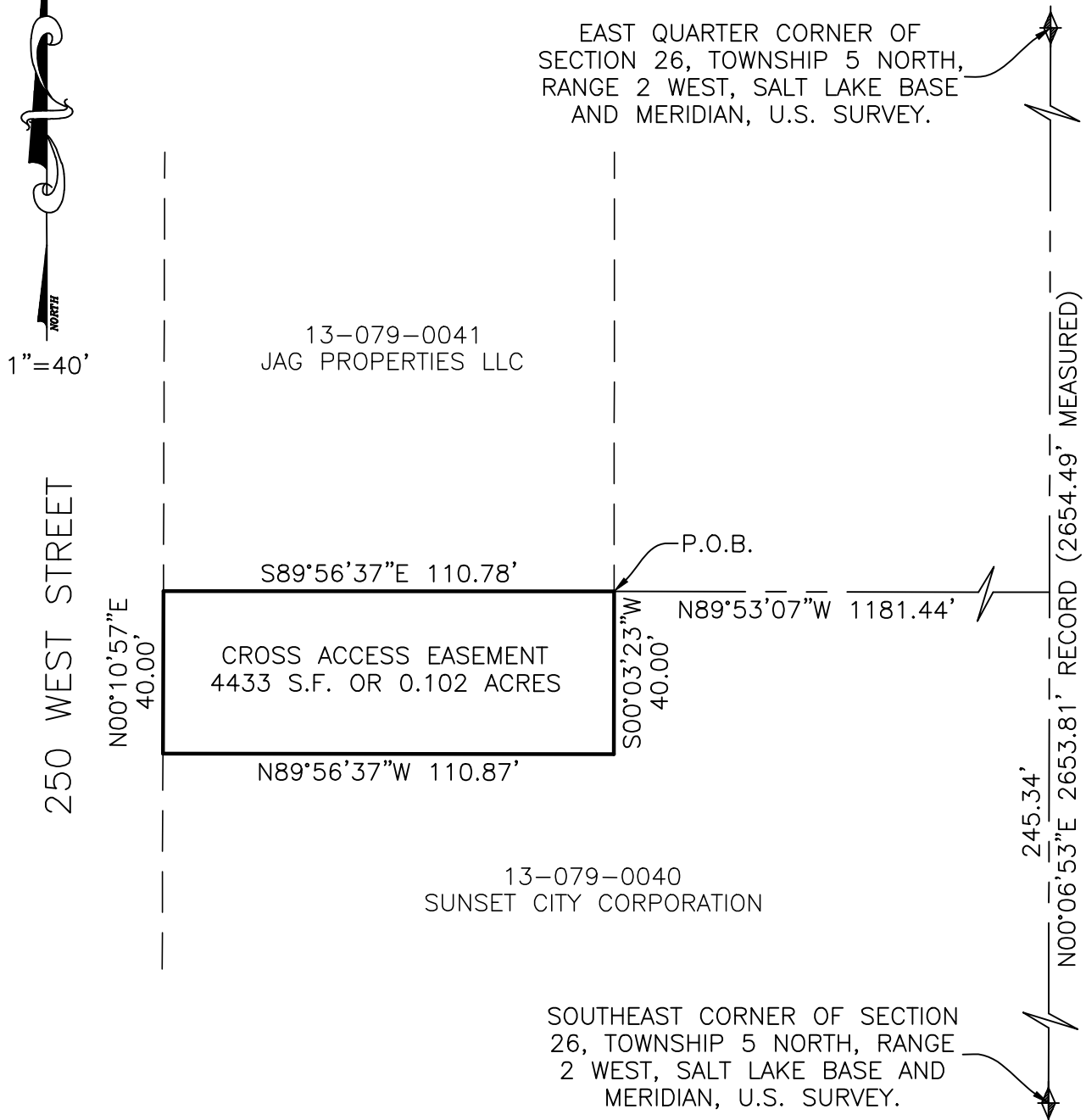
CONTAINING 4,433 SQUARE FEET OR 0.102 ACRES

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CROSS ACCESS EASEMENT EXHIBIT

(PRELIMINARY – NOT TO BE RECORDED)

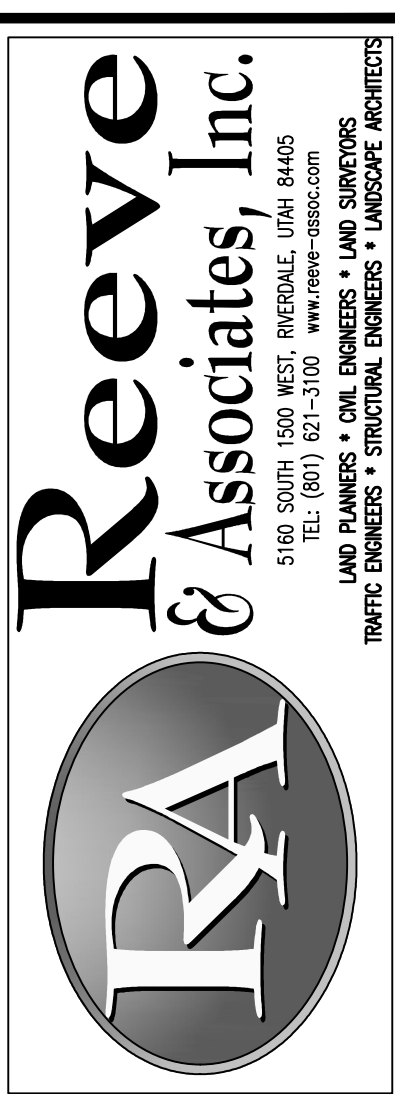
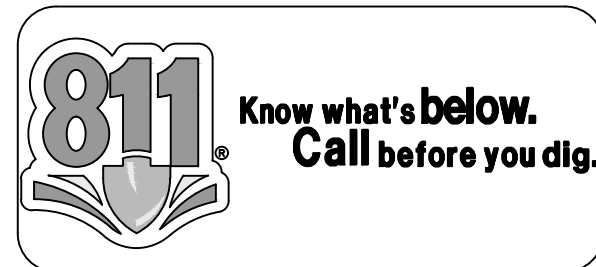
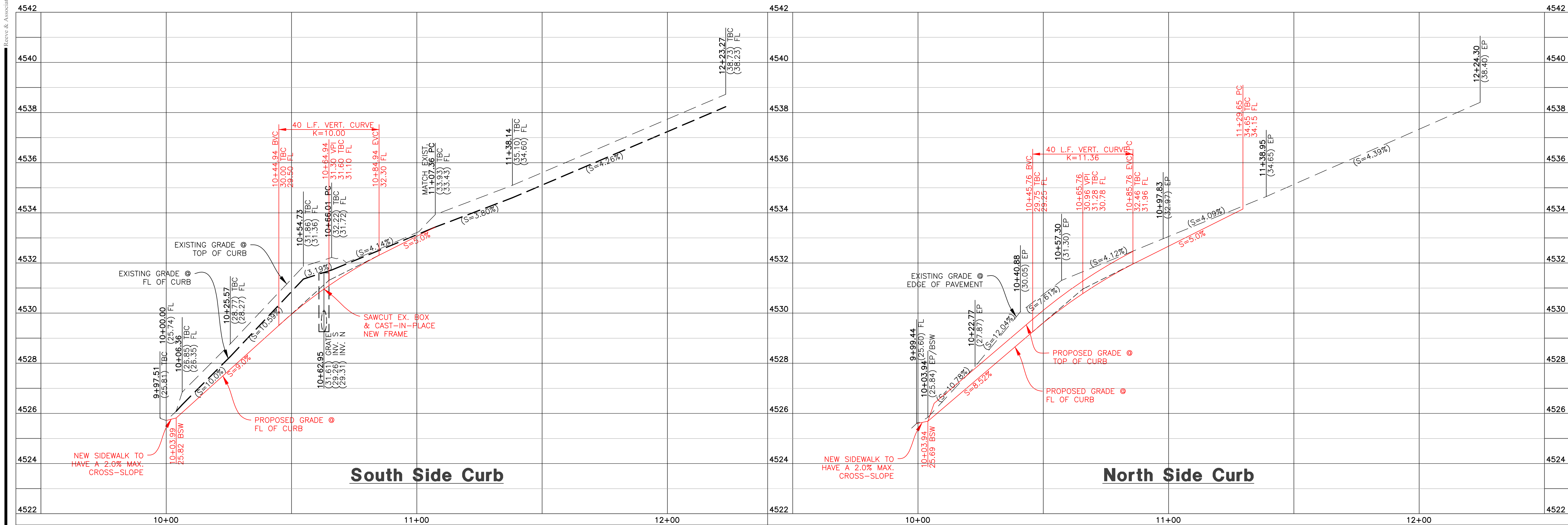


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TRAFFIC ENGINEERS * STRUCTURAL ENGINEERS * LANDSCAPE ARCHITECTS

Project Info.

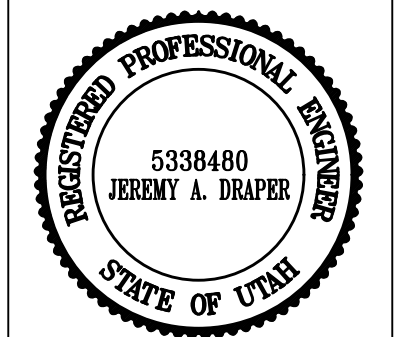
Designer: N. ANDERSON
Date: 9-7-2021
Name: CROSS ACCESS
Number: 7542-02
Scale: 1"=40'



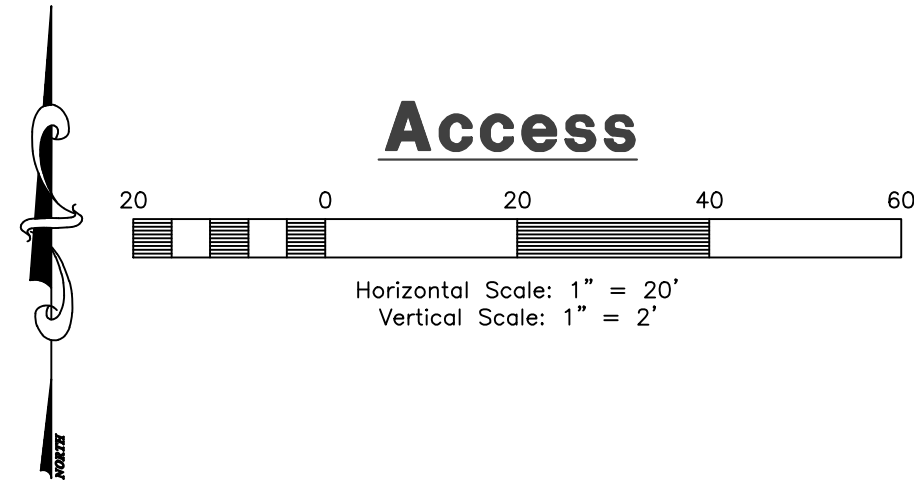
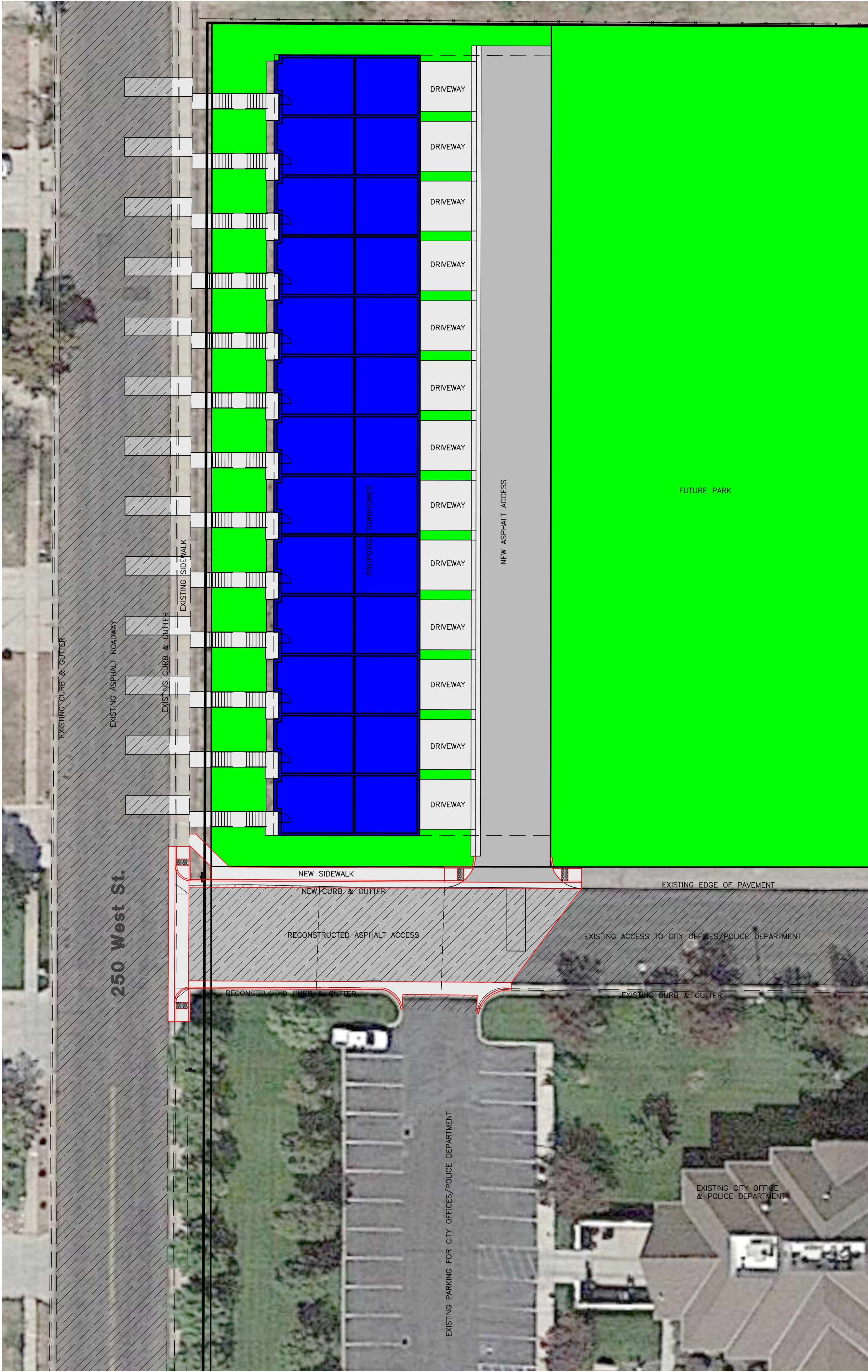
REVISIONS	DESCRIPTION
DATE	

Sunset Townhomes
1350 N 250 W
SUNSET CITY, DAVIS COUNTY, UTAH

Access Exhibit



Project Info.
Engineer: JEREMY A. DRAPER, P.E.
Drafter: R. HANSEN
Begin Date: MAY 2021
Name: SUNSET TOWNHOMES
1350 N 250 W
Number: 7542-02



Access



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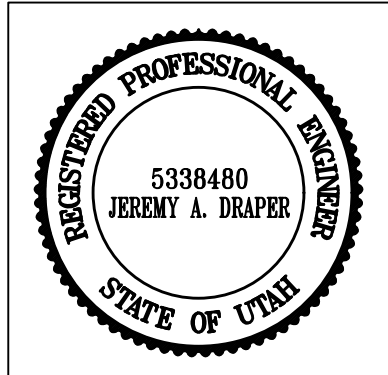
REVISIONS	DESCRIPTION
DATE	

Sunset Townhomes

1350 N 250 W

SUNSET CITY, DAVIS COUNTY, UTAH

Access Exhibit



Project Info.
Engineer: JEREMY A. DRAPER, P.E.
Drafter: R. HANSEN
Begin Date: MAY 2021
Name: SUNSET TOWNHOMES 1350 N 250 W
Number: 7542-02

- Seamless 6063 T6 Aluminum
- Hand Hole
 - 2" x 6" with Cover
- Felt Top
- Removable Felt Cap, Tension or Drilled For Side Mount Luggage
- Anchor Base Cover
- ABS Color Match Available
- Decorative Base Covers Optional at an Extra Cost
- Black/Brass Powder Coating Finish
- Standard 1.25" Wall
- Custom Heights Available



SQUARE
Height - 0 to 14'

Service options

Full Service

Rocky Mountain Power will own and install all streetlighting fixtures including poles, wire, mastarms and luminaires. Rocky Mountain Power will make all necessary repairs within allowances.

If you choose the Full Service option, you can have your existing streetlights converted to more decorative fixtures shown in Series 1 or Series 2. Please note you may be responsible for some additional costs related to such conversions. The contract period for the Full Service option lasts for a minimum term of five years. Fees will be charged for early termination.

Monthly costs

Please refer to our regulatory Web page located at rockymountainpower.net/regulation.

For more information, contact your account representative or visit our streetlighting Web page at rockymountainpower.net/streetlights.

You can also contact our Business Solutions team toll free at 1-866-870-3419.

Energy Service

Energy Service includes delivery of power only. You will be responsible for the maintenance of all facilities (including wire) beyond the point of disconnect. For more information about the point of disconnect, please visit rockymountainpower.net/streetlights.

The Energy Service option is only available if you own your system. The contract period for this option is one year or longer.



Streetlighting with style



The kind of character everyone will love hanging around town

Streetlights provide a valuable and necessary safety function. But functional doesn't have to mean unattractive. In fact, decorative lighting can add just the right touch to express the personality of your streets. We can help you with your new look. Rocky Mountain Power brings a century of experience to streetlight planning and installation. We have extensive resources to make the task of converting existing modern lights or creating new decorative

installations easy and affordable. We can be your guide through each step of the process – choosing fixture styles, handling installation and service – all without tying up your city's capital dollars. You pay for the service as part of your monthly bill. There are several fixture styles and service options from which to choose. Simply tell us what you have in mind and we'll do the rest.

Illuminating options

Choose from either Series 1 or Series 2 lamp and pole styles or functional lighting. Rocky Mountain Power can have the lamps fitted with high-pressure sodium vapor (HPS) lights in a range of lumen/watts, according to your budget and lighting requirements.

Series 1 (Highest cost)



Arlington
A 1920s-inspired design, this eight-sided glass lamp blends architectural elegance with precision optics. 100W HPS, 150W HPS



Washington Acorn
Designed for beauty, optical control and ease of installation and maintenance. 100W HPS, 150W HPS



Granville with trim tabs
This small glass acorn fixture lends early 20th century elegance to any street, sidewalk or park. 100W HPS, 150W HPS

Series 2



Utility Post Top
Designed for maximum energy efficiency and operating costs, this glass fixture is an eye-pleasing complement to surrounding landscape and architecture. 100W HPS, 150W HPS



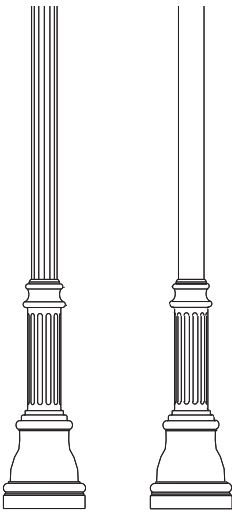
Granville
This small glass acorn offers a classic appearance and uses the same type of advanced optical prisms as other glass models. 100W HPS, 150W HPS

Functional lights (Lowest cost)

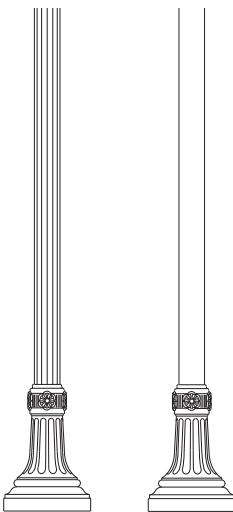


American Revolution
Affordable fixture that meets IES full-cutoff standards on a direct buried fiberglass pole. 100W HPS

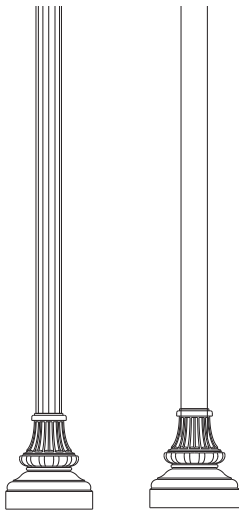
Decorative Poles (for Series 1 and 2 only)



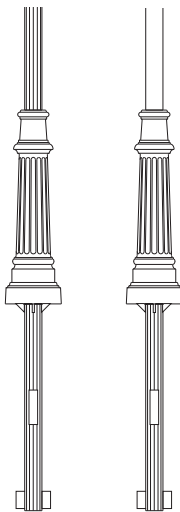
Charleston
Black aluminum 14' mounting height smooth or fluted anchor based



North Yorkshire
Black aluminum 14' mounting height smooth or fluted anchor based



Wadsworth
Black aluminum 14' mounting height smooth or fluted anchor based



Salem
Black aluminum 14' mounting height smooth or fluted direct buried



Cobra Head
This can be ordered with a direct buried wood pole or anchor base metal pole. 100W HPS, 150W HPS, 250W HPS, 400W HPS

List for additional ARPA money

- upgraded generator system
- HVAC maintenance
- PPE & disinfection supplies
- Sally port
- Building sanitation after multiple people have been in the building
- Hepa filters
- Veteran's park so people have a place to go to get out of the house (\$200,000-\$300,000)
- Funding for meals on wheels, virtual services, schools, victims advocate, police & fire departments, etc. – to take care of those who take care of the citizens
- POU equipment for Police