

Sunset City Corporation
City Council Minutes
August 02, 2022
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Minutes of a regular meeting held August 02, 2022 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor D Howard Madsen presiding.

REGULAR SESSION

Mayor and Council Present:

D Howard Madsen	Mayor
Chad Bangerter	Council Member
Nakisha Rigley	Council Member
Nancy Smalling	Council Member (Arrived during item #3)
Scott Wiggill	Council Member

City Employees Present:

Nicole Supp	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Jason Monroe	Public Works Director
Brett Jamison	Police Chief

Excused:

Beverly Macfarlane	Council Member
Nancy Smalling	Council Member (Excused first half)

Others Present:

Aubry Bennion	UDOT
Greg Davis	UDOT
Michael Griffith	Sunset Resident/Youth Council
Lily Griffith	Sunset Resident/Youth Council
Hope Thompson	Sunset Resident
Joseph Cook	Lofts at Falcon Ridge
Leland Bartlan	Lofts at Falcon Ridge
Laura Penman	Planning Commission Chair
Scott Stevenson	Planning Commission Commissioner

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

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

Approval of Minutes: Council Member Wiggill made a motion to approve the meeting minutes for July 05, 2022 as presented. Council Member Rigley seconded the motion. The motion passed unanimously.

Public Comments:

No public comments.

- 1. Presentation about UDOT 1800 North Improved Mobility Project by Greg Davis:** Greg Davis approached the podium and stated to Council he was in attendance to give an overview

of the construction on the new I-15 interchange project at 1800 North in Sunset. He presented Council with a PowerPoint presentation illustrating the new interchange at 1800 North. The new interchange will include four general purpose lanes, one HOV/Express lane and one auxiliary lane in each direction. 1800 North from the interchange to 250 West will be three lanes each direction with dual left turn lanes at the signalized intersections. 1800 North will be widened to five lanes from 250 West to 2000 West with shoulders and accommodations for active transportation. Mr. Davis spoke regarding the railroad bridge saying it will be a safer configuration for travelers to go over the tracks. He explained 6F funds which are specialized funds from the government in which they have their own special rules to follow, mainly in regards to the piece of park purchased since the use of the land would need to be reformed. Since it would be changing the use of the land they need to follow special mitigation rules which does bring along challenges. Council Member Bangerter asked if the rules were being shared with administration so they are aware of how it will work since some land still needs to be purchased from the City. Mr. Davis said there are a few parcels of lands that will be converted over to park property and will be conveyed to administration when ready for purchase. Mayor Madsen tried to explain when going against the rules of the 6F funding it will take up to a year to complete. In reality a land swap will happen in order to complete the transaction. Mr. Davis explained the schedule for the project. The design efforts and environmental re-evaluation will take place this year up to 2024. There is specific railroad permitting they will need to gain which will be completed in 2024 and finally construction will begin in 2025 and last until 2027. Mr. Davis noted on the other projects in the area for Council to be aware of. The 5600 South project and the 1300 North project will start spring of 2023. 2000 West project will begin fall of 2023. The next slide provided a visual of what the aesthetics and landscape will look like at 1800 North. Council Member Rigley asked if there will be places for pedestrians to cross the road to access the park. UDOT advised there will be crosswalks at the signalized intersections. The next slide had different options for the aesthetics on the bridge walls and barriers. He said UDOT will narrow it down to three options and then will come to the Cities and ask their opinion. Planning Commission Commissioner Stevenson asked if there was going to be an Air Force motif on the bridge. Aubry Bennion from UDOT advised it has been talked about but there is nothing set in stone. Mr. Davis provided contact information for the program. Mrs. Bennion stated the project is so fluid so there is no set in stone aesthetic options as of now. Commissioner Stevenson asked if there will be input from the City on the aesthetics for the rest of the corridor, landscape, park strips and other side treatments not just the bridge. Mr. Davis said of course, the project just isn't that far along yet. Commissioner Stevenson explained he questioned it because the Planning Commission have discussed this in depth to make sure it matches City Code. Planning Commission Chair Laura Penman asked if you are going west will it end up being a U-turn at 250 west for park access. She questioned how the people going west bound will be able gain entree to the park. Mr. Davis said most likely it will be a U-turn in order to gain access but there will also be access in through the Jr. High. Mayor Madsen ended the presentation by voicing as the project moves along more of the questions will be answered. He thanked UDOT for coming. Mrs. Bennion asked when she would be able to put another update in the newsletter. Recorder Supp notified the newsletter is quarterly and she will need to submit her information to her.

2. Presentation from Planning Commission Chair Laura Penman regarding Form Based

Code: Planning Commission Chair Laura Penman announced she wanted to turn the time over to Planning Commissioner Stevenson to explain the Form Based Code because he was on the Planning Commission when the grant for Form Based Code was awarded. Commissioner Stevenson described Form Based Code as eliminating defined residential zones and brings it to a more general form and fit for a specific overlay area. He said as long as you can fit within the form and the uses available for the area there is less restrictions and limitations on what the developers can do. Commissioner Stevenson said if the City had this Form Based Code it would make it so no additional conditional use permits would be needed for Developers. If they could fit into the Code they wouldn't have an issue. Planning Commission is seeking the Council's approval for the City's \$5,000 buy in for the grant. Mayor Madsen asked for an explanation on the match. Chair Penman explained there has always been a \$5,000 match the City had to provide for the entirety of the grant to be given. Wasatch Front Regional Council has increased their portion of the grant since inflation but the City's portion has remained the \$5,000. Council Member Bangerter asked what additional administrative costs the City will incur moving to Form Based Code. Chair Penman mentioned Wasatch Front Regional Council have their own technical writers to help provide the new ordinances. Treasurer/Office Manager Youngdell advised it will cost money to codify the new ordinances but it is hard to tell how much work administration will have. Council Member Bangerter asked if there have been any cons they can see to move to Form Based Code. Commissioner Stevenson replied he does not think he has completed enough research to find many down sides to the Form Based Code but one thing he can see as a possible concern as developers coming in and wanting to do the basic minimum within the form. He said he doesn't believe it could be too much of an issue because the developers will want to do what they can to make their development profitable. Mayor Madsen commented it would basically eliminate conditional uses. Commissioner Stevenson confirmed it would help clean up the process for both Planning Commission and developers. Mayor Madsen remarked he thinks it is a great idea. Council Member Bangerter said he would like Planning Commission to do more research on the down falls of having Form Based Code in a small City. Commissioner Stevenson advised he will do his research and also Wasatch Front Regional Council will also be able to help tell if it is a good fit for the City. All Council Members were in agreeance Planning Commission should move forward with the grant.

3. Discuss Proposed Addendum #3 to The Lofts at Falcon Ridge Development Agreement:

Joseph Cook explained to Council the Addendum #3 is for the unit mix change, additional parking and to have the option to sell the units as condominiums or apartments. He advised the push behind this addendum is due to the market changing and how it has been harder to sell bigger units. Council Member Wiggill questioned if you change the structure do you have a calculation on the increase on population. Leland Bartlan completed the studies previously asked for and notified Council the sewer calculation is based on number of occupants and with the new mix the average household size is 3.04 the sewer calculations have turned out about the same as the first calculations from the prior building. Mayor Madsen advised the City's attorney has reviewed the addendum and said he wanted to make sure the document accurately reflects what the Council agreed to. Mayor Madsen presented the question would Council be okay if Mr. Cook changed the units from condominiums to

apartments. Council Member Bangerter tried to clarify what Mr. Cook was asking for and read aloud the addendum paragraph 4.e. Council Member Bangerter asked Director Monroe if he was satisfied with the new parking as described and Director Monroe concurred. Council Member Rigley asked if changing the units to apartments instead of condominiums if it would be more affordable. Council Member Bangerter said the overall result of changing the units to be rented as apartments still brings the same outcome as if you keep them as condominiums. They are not low income apartments and will not be. Treasurer/Office Manager Youngdell stated there is a limit of the number of condominiums he could rent as apartments. Mr. Cook stated in the original development agreement it does state as part of the FHA only a percentage could be as part of the loan. Recorder Supp asked if Mr. Cook would be the owner of the apartments being rented out. He agreed he would be. Council Member Wiggill asked if there were things needing to be completed before he started phase 2. Mr. Cook said the utility pole does need to be buried before phase 2. Council Member Bangerter asked if he had put a fence up on the North side and Mr. Cook said the posts are up. Recorder Supp asked if he had started to complete the list of items she had requested. Mr. Cook said he is working on the items and some are in progress. Council Member Rigley asked what advantage it gives Mr. Cook to turn the units from condominiums to apartments. Mayor Madsen said if you have the units listed as lease only then no one will purchase them. Mr. Cook said later on down the road the apartments could be changed to a condominium. Mr. Cook said if they are sold as condominiums there will be an HOA to take care of things but if they are apartments the owner will be the person to contact if any issues. Council Member Smalling expressed the need to make sure the buildings look nice if they are converted to apartments. They are on Main Street and are sitting on the front row of the City. Her concern is there is no ownership in apartments; therefore, there could be a decrease in keeping the building looking nice. Council Member Rigley asked what is in it for Mr. Cook. Mr. Cook said he has hopes to transition into long term rentals in hopes to retire someday. If the market changes he plans to take advantage of the opportunity. Director Monroe asked if the addendum is approved is it either apartments or condos or mixed. Mr. Cook clarified by law it can only be an apartment building or condominiums. Council Member Rigley conveyed she would prefer all the buildings remain condominiums. Mr. Bartlan informed each building has an HOA but each HOA is invested in the common area. Council Member Smalling asked if Mr. Cook was concerned about one building having an HOA and one having apartment maintenance. The building with the HOA will most likely get household items fixed faster since they are paying into it and having landlord apartment maintenance it could be slower for items to get fixed. Mr. Cook said he is not concerned and it will just be a function of management and will be okay. Council Member Wiggill asked for clarification of the water and sewer studies. Mr. Bartlan stated the sewer demand will slightly decrease and the water demand will slightly increase. Director Monroe agreed with the statement and reminded Mr. Cook he needs two meters installed. Mayor Madsen asked each members vote on changing the unit mix, removing CC&R's and agreeing to the addendum. All Council present approved to have the proposed addendum finalized except Council Member Rigley.

4. **Consider Resolution 22-17 UDOT Landscape Maintenance Agreement:** Director Monroe expounded on the resolution saying this is a standard agreement, if there is a state road the agreement has to be signed in order for the City to maintain the landscaping. Director

Monroe notified Council the attorney is fine with the agreement and anytime the City has to do work on a state road UDOT needs to be notified. Council Member Wiggill made a motion to approve Resolution 2022-17. Council Member Bangerter seconded the motion. The motion passed unanimously with a roll call vote from Council Members Bangerter, Rigley, Smalling and Wiggill voting yes.

5. **Consider Resolution 22-18 Outside Engineering Cost Reimbursement from UDOT:**

Director Monroe explained UDOT will be reimbursing the City for incurred engineering costs from CEC for the 1800 North Project. Council Member Bangerter asked if it was only for the 1800 North Project. Director Monroe stated yes and if there is any reason the amounts projected are higher; UDOT and the City will reconvene to adjust the amount if necessary and approved. Council Member Bangerter made a motion to approve Resolution 2022-18. Council Member Smalling seconded the motion. The motion passed unanimously with a roll call vote from Council Members Bangerter, Rigley, Smalling and Wiggill voting yes.

5. **Consider Resolution 22-19 Approval of Sunset's Culinary Water Emergency Response Plan:**

Director Monroe notified Council the current emergency response plan for the culinary water was old and needed to be updated. It is state and federally required by the EPA to have a current and updated plan. Council Member Bangerter made a motion to approve Resolution 2022-19. Council Member Smalling seconded the motion. The motion passed unanimously with a roll call vote from Council Members Bangerter, Rigley, Smalling and Wiggill voting yes.

6. **Discuss Fun Days:** Council Member Rigley voiced her appreciation and proclaimed a job well done. She remarked on the number of residents who showed up and reminded everyone you cannot control how many people show up to participate. Mayor Madsen described Fun Days as being submarined by other local events in the area, so involvement was low this year. Council Member Wiggill aired his disappointment on the attendance to the event. The size of the car show was small and so were the vendors. He said the City did a great job at trying to provide a great event but the participation has fallen short. He said it is sad the community and neighboring communities don't support each other anymore. The comments made on social media about the event were disheartening. You can only provide so much until participation has to be made in order for something to be successful. He remarked on breakfast and the amount of residents who showed up, it was smaller than previous years so it was basically an all you can eat breakfast for \$5. He had fun at the event but there was a support issue and has seen a trend on participation getting less and less. If residents don't want to support Fun Days the City and employees can only do so much. Council Member Smalling indicated she had a great time at Fun Days this year. She took advantage of supporting the small businesses who showed up. She enjoyed getting to mingle with the smaller group but was also sad to see less involvement. She feels as if things are changing and maybe people are getting back to the basics or cannot afford to spend money on events. She believes the lack of participation has no reflection on the employees, vendors and City. Everyone did a great job at making Fun Days happen. Council Member Bangerter stated "it is what it is," we can only do the best we can. He observed not one resident came to Council meeting to tell us what could have been done better, in his mind that means we did a good

job. The problem is social media, the people commenting on social media down play everyone and not one of them showed up to explain what the City did wrong. Social media has a way of starting to talk about one thing and multiple things get thrown into the mix to where you don't know what you're talking about by the end. Council Member Bangerter remain strong in his conviction the City did a great job on Fun Days. He commented on Clinton Days and how this year there was a shooting and because of the shooting the City took extra precautions to protect the residents at Fun Days this year. Mayor Madsen said he thinks the City did a good job and it was a shame Fun Days was in competition with other events going on at the time. Council Member Wiggill gave extra credit to the Police Department and Chief Jamison for showing up and increasing security at the park. Council Member Bangerter asked do the residents even know the thought, time and efforts it took into providing more protection for them this year. Council Member Rigley said she doesn't think they do. She said unfortunately, the residents will probably never know the time and hard work it takes everyone to put together Fun Days and appreciates everyone who helped.

7. **Mayor, Council and Department Head Reports:** Mayor Madsen notified Council on September 14th the Jr. High would like to use Central Park for a music event and would like the fee for the school waived. All Council Members present approved the waived fee.

Mayor Madsen relayed the message T-Mobile has provided the City with a notice cancelling their lease. The City attorney has looked over the termination notice and stated T-Mobile has met their part of the agreement and has the right to terminate if they would like. They will be removing their equipment from the cell tower and will be finished in October. The yearly revenue loss to the City will be \$2,975. Council Member Wiggill asked which tower he was referring to. Director Monroe clarified it is the tower in Central Park. Mayor Madsen notified Council the second payment from the American Rescue Plan Act funds of \$317,416.50 has been awarded to the City on July 27th. Mayor Madsen explained the funds have already been allocated to the Veterans Park and the generators. Director Monroe explained the generator has arrived but he is waiting on installation. Mayor Madsen asked when the generator was received and Director Monroe stated it came two weeks ago.

Council Member Wiggill informed Council on July 14th the Fire District demolished the old Clearfield station. It was a celebration and they had everyone taking a turn at trying to knock some of it down. There is not an estimated time of when the new construction will begin. They have three firefighters and two part time firefighters who have graduated and passed the paramedic exam. Council Member Wiggill said they are doing a great job and are providing the best patient care ever. In the month of June the Fire District had 274 medical calls and 58 fire calls for a total of 332, in July there were 331 medical calls and 86 fire calls for a total of 417; about 90 additional calls in less than a month. Year to date the fire district has been on 2,097 medical and 425 fire calls for a total of 2,522 calls for Sunset for half the year. The firefighters and paramedics are running out of the temporary fire house for now and have been successful in their call times. Council Member Wiggill reiterated how appreciative he was of everyone's efforts in making Fun Days great.

Council Member Rigley announced her appreciation for everyone's hard work who had a hand at making Fun Days successful and commented on how great it was to watch the fireworks from her backyard. She expressed how proud she was of the Youth Council for making an awesome float and taking the time and effort to complete it. She said it was a lot of work but they were dedicated in finishing it. She enjoyed how comfortable she could see them becoming with each other. They are pitching ideas for fundraisers for the future and service projects to bring the community together. Council Member Rigley reported on the progress of the Mental Health Awareness Fair and said it will be bigger than last year and will be a lot of fun. She hopes it brings awareness and provides people in the community resources for their mental health. There has been a new development with the fair and she is hoping to have a raffle, in which the Youth Council will be able to help with. Mayor Madsen stated she is doing a wonderful job on the fair and is looking forward to being there. Council Member Rigley thanked Mayor Madsen, the Youth Council and Director Monroe for all of their help with the fair.

Council Member Bangerter shared with Council he has been working diligently on the landscape in his front yard. There is a different point of view of the City when you're working in the front; typically he works behind his house. For years he has pushed for the Police Officers to wave to the residents when they are out patrolling; he has noticed we as people do not wave, there is no personal communication. While out in the front yard this past week, our newest Officer Joanna Alesana waved to him. She recognized a resident in their yard and added human element to the passing encounter. As Police Officers, Firefighters and even Public Works Employees he feels it is important to wave and have personal communication with the residents in the City. He feels people have gotten so far away from personal contact and communication, if he was talking to someone on social media right now they would not know his emotion behind his words right now, they would not know he is teary eyed talking about something passionate to him. Social media is good for some things but not for personal connection and emotions. Social media is bad for close communities. Council Member Bangerter thanked Chair Penman for explaining tax break downs on social media. He stated if you choose to live in a city you choose to pay for water, sewer, infrastructure and you agree to the terms the elected officials put forth or laws in place by the state. This year his taxes went up \$200, it is all part of running a city. He then thanked Chair Penman again. Council Member Bangerter addressed the attacks Council Member Rigley faced on social media for trying to inform residents. He thanked her for always trying to keep residents in the loop. One resident on social media finally said they understand it takes money to run a city. With all of the bad, we need to start standing up for the things that are good and stop complaining about things you cannot change, please do not criticize us on social media, if you are concerned as a resident come here and visit us. Council Member Bangerter remarked on the Veterans Park on social media someone said we do not currently have one but for four years have been trying to build one; nobody came to Council meetings to talk to us. Council Member Bangerter expressed he used to have a hard time saying he loved this City. It's a personal matter, love is a feeling. When he first started this job he realized all of the other members he has worked with loved this City. All of the members who sit on this bench don't always agree but they have a vested interest in this City. We have never had a ton of people in the Council chambers but we used to get a few who would come

and get informed and they have all since passed now. Our society is going a way he feels isn't the best so he encouraged everyone to do your best and do what's right. He shared he loves this City. He has been working for the City for almost twenty years and he won't run again. In his mind and heart he knows it is not what is best for him anymore. He said it is time for someone else to step up and serve. Council Member Bangerter shared how hard it is for him to try to help and serve this community to only see the ugly and bad from social media. When you are a Council Member and you sit on this bench and you do your very best to do what is best for this City to only be criticized for it is too much. He encouraged residents to step up, serve and make it better.

Mayor Madsen reported the debris at the Circle Inn Pizzeria was declared to have asbestos. The disaster cleanup crews have been working with the state to get permitted by the Office of Environmental Quality; which has taken some time but they have a 10 day start time and should be beginning next Monday. The cleanup crew have applied for their permit from the City and signed up for construction water this morning.

Council Member Smalling thanked Council Member Bangerter for the matters he shared. She told a story where a few years ago she had the option to sell her home here in Sunset but because she loves this City she stayed. She feels it is time for her to step away from social media. All of the Council Members here understand taxes and water rates going up; it is a necessary evil, because we live here too. Council Member Smalling conveyed she loves Sunset. She thanked administration for their hard work and how they also get beat up with phone calls from angry residents and for their friendships. Council Member Smalling stated she is gearing up for the Veterans program; she is searching for some speakers and hopes Council Member Bangerter would be able to do a presentation on the park. She would like notifications of any Veterans she may have missed last year; she would like their names so everyone is included. She reported on the old fire station being torn down and said it was the place she met her ex-husband, she taught classes there and had made a lot of history there so it was strange to see a part of her past being demolished. On a happier note she did describe how comical it was to see some of the people try to help tear it down. The North Davis Fire District is one of the busiest in the state and she is grateful for them. She thanked everyone for their hard work.

Chief Jamison voiced his agreement on the important messages spoken tonight. He addressed Council Member Rigley on what kind of resources she needs from the Police Department for the Mental Health fair coming up. Council Member Rigley advised she will reach out to him with the assistance she will need. Chief Jamison also noted the Code Enforcement Officer has been hired and should be up and going by the end of the week. He finished by notifying Council Davis County farewell to their paramedics program on August 8th at Nichols Park.

Treasurer/Office Manager Youngdell reminded Council the Truth in Taxation public hearing will be on August 16th, at the next Council Meeting. The advertisement has been sent out for the newspaper as well as shows on the water bills. Treasurer/Office Manager Youngdell mentioned the water bills now reflect the new water rates. She requested if Council have questions or if residents are asking questions feel free to direct them to the office so

administration can help with answering. She provided Council with an update on the Chicken permits, as of August there are two permits. She asked if Council knows of residents in their area who have chickens to let them know the ordinance passed and have them come in and fill out a permit. She requested permission to leave Council and Mayor Madsen approved.

Public Works Director Monroe reported the finish date for the Veterans Park completion will be October 30th. 11 days later is Veterans Day so he suggested Council Member Smalling could possibly correlate her Veterans Program with the new park opening. He provided Council with the updates to some of the lines going in; the surveyor completing his part for the walking track, the rock monument, as well as the bathroom will most likely be the first enhancement. Council Member Bangerter mentioned the water leaks on 1800 north. Director Monroe said Public Works have had a few leaks this past week.

Council Member Smalling said in conclusion the City's new website is up and running. She said it looks great and is hoping Recorder Supp could do a tutorial on how to navigate the new site. Mayor Madsen said he appreciates each and every Council Member and stated we are here because we love this City.

Council Member Rigley made a motion to adjourn. Council Member Smalling seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:30 p.m.

Approved – September 20, 2022

D Howard Madsen, Mayor

Nicole Supp, Recorder