

Sunset City Corporation
City Council Minutes
January 20, 2009
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Minutes of a regular meeting held January 20, 2009 at Sunset City Hall, 200 West 1300 North, Sunset, Utah; Mayor Gotchy presiding.

Mayor and Council Present:

Dan Gotchy	Mayor
James Bridges	Council Member
Cheyrl Budge	Council Member
Ricky Carlson	Council Member
Ray Chapman	Council Member

City Employees Present:

Susan R. Hale	Recorder
Linda J. Youngdell	Treasurer/Office Manager
Ken Eborn	Police Chief
Neil Coker	Fire Chief
James Weston	Asst. Fire Chief

Excused:

Ryan Furniss	Council Member
Mickey Hennessee	Public Works Director
Vicky Gold	Recreation Supervisor

Others Present:

Angela White	Beautification Committee
Brent Andrews	Beautification Committee
Cathy Brown	Beautification Committee
Bryan Cobb	Planning Commission Chair
Don Lasater	Don's Meats
Paul Remy	Blankets, Etc.
Stacy Steadham	Blankets, Etc.
Lori Eggleston	Judy Smith
Lucy Smith	Kathy Smith
Leon Cooper	Brian Parkinson

The meeting was called to order at 6:30 p.m. by Mayor Gotchy.

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

Approval of Minutes: Council Member Bridges made a motion to approve the minutes of January 6, 2009 as written. Council Member Budge seconded the motion. The motion passed unanimously.

Approval of Vouchers: Council Member Carlson made a motion to approve the vouchers for Leon Poulsen Construction in the amount of \$38,990.52 and Weber Basin Water Conservancy District in the amount of \$186, 872.00. Council Member Chapman seconded the motion. The motion passed unanimously.

Citizen Comments: There were none.

REGULAR SESSION

- 1. 2008 Christmas lighting awards:** Angela White introduced the Beautification Committee, thanked the winners for their beautiful lighting displays and announced those winners while showing their homes on the television. Mayor Gotchy handed out the certificates and he and the Council Members congratulated the winners present. The winners were as follows: Division 1) 1st Place - Shaun Hill, 229 W. 1125 N.; Honorable Mentions - Kenny Aldridge, 334 W. 870 N. & Brando, Paul & Bill Reeves, 1214 N. 125 W.; Division 2) First Place - Ken & Sue Berry, 288 W. 1300 N., Honorable Mentions - Brian & Candice Parkinson, 1534 N. 300 W. and Lucy Smith, 246 W. 1425 N.; Division 3) Leon Cooper, 2201 N. 300 W., Honorable Mentions - Melvin Mason, 2112 N. 400 W. & Lidia Morga, 2128 N. 250 W.; Division 4) Mike & Debbie Eggleston, 2642 N. 275 W., Honorable Mentions - Gary & Afton Stanley, 2639 N. 225 W. & Dora Mae Pollock, 2628 N. 275 W.
- 2. Discuss concerns of Don Lasater, owner of Don's Meats located at 2001 N. Main:** Don Lasater, owner of Don's Meats, stated on December 16, 2008 the City Council approved a conditional use business license for Noah's Auto Sales next door to his business. He is concerned about the parking issues. Noah's Auto basically does not have any parking places for customers because he has used them to display his cars for sale. Therefore, his customers are parking in Don's Meats' four front parking stalls and that is causing his business some stress. Noah's Auto has a narrow driveway on the north side of his property, but it is all gravel and mud so no one wants to park there. On Fridays and Saturdays, Don's Meats is very busy and his parking stalls are always filled. That causes other customers of Noah's to park on the street. That is very dangerous because the residents trying to pull out onto Main Street from 2000 North Street cannot see the southbound traffic on the outside lane. This is also true for the customers trying to leave Don's Meats parking stalls. There have been several near misses and he is concerned there will be a serious accident there soon. When Mr. Mauris, the owner of Noah's Auto Sales, met with the Planning Commission he indicated he would park his cars for sale on the side and rear of his building, leaving the front open for customer parking. He is not doing that. If he would it would resolve both problems. Mr. Lasater wanted to bring this issue before the Council so they can resolve this issue before there is a fatality there.

Council Member Budge asked when Mr. Mauris appeared before the Council, if he didn't say he would be parking his cars along the side of the building. Council Member Chapman said he believes he made a mistake when the conditional use was issued; he should not have let it go forward without further review. When he read the Planning Commission minutes and Council minutes he found Mr. Mauris had told the Planning Commission he first wanted to also have his contractor's business in the building, but decided not to. He had marked a question on his application that oil and grease would be going into the sewer system and upon questioning, said he had mismarked it. The Planning Commission had limited the amount of cars he could park on the lot. Mr. Mauris had wanted to put 10 to 20 cars on the lot and that they would be on asphalt. He read the Planning Commission motion that stated Mr. Mauris was to submit a plan showing the sign he planned to erect, that he have no more than 20 vehicles for sale at a time, the vehicles would be removed for detailing, he obtain a dealer's license and that the vehicles be kept on asphalt and not in the dirt. He never

obtained a building permit for the sign erected on the roof of his building and he did obtain his dealer's license. The Council's motion was that he have one year to pave the lot, he changes his letter of intent deleting the insurance business and that he change his business license application to reflect there will be no oil or grease discharged into the sewer system. Part of this problem is that there was no Council liaison attending the Planning Commission meetings. He passed around pictures showing one of his cars for sale straddling the property line and this past Saturday, he even showcased a truck on the side of the road. Mr. Mauris told the Council he would use the back of his property for customer parking. The problem with that is that it is gravel and you can't plow gravel, so it is icy or muddy and customers will not park back there.

Mr. Lasater reiterated his concerns. He suggested the simple solution of Mr. Mauris leaving his front parking stalls open for customer parking. It would solve his parking problem and the safety issue of people not being able to see around the cars parked on the street.

Council Member Chapman suggested bringing Mr. Mauris back in to see if they can resolve these issues.

Planning Chair Cobb said when he appeared before the Council with Mr. Mauris, the asphalt was one of his concerns and that is why he asked the Council to have Mr. Mauris put in asphalt before he could park his cars there. If they can get the property owner to put asphalt down, it would solve the problems.

Council Member Chapman made a motion to send Mr. Mauris a letter asking him to reappear before the Council to address these issues. Council Member Budge seconded the motion. The motion passed unanimously.

- 3. Discuss denial of Blankets and More's 2009 temporary business license:** Paul Remy introduced himself as representing Blankets, Etc. and Stacy Steadham. He stated there was a temporary license issued for this business on Main Street that expired December 31, 2008. Ms. Steadham was apparently told not to apply for a temporary license this year as a result of some issues associated with the licensing of their business. He read a portion of the Sunset City Ordinance governing temporary businesses. He stated there were two businesses that used this same lot for similar activities and he believes there is some confusion as to the ownership or operation of those businesses. The owners of the two businesses are associates and have worked in similar locations due to the similarity of the products they carry. During 2008 there were two temporary licenses issued; one to one business and one to another business. Per the City Code they are allowed one 90-day period per year. It is his understanding there has not been an application so he is not sure there has been an official denial. He has seen no written denial. They would like to address the issues the City has sufficiently to allow them to conduct their business. There are two separate business entities; they have individual tax ID numbers and are treated as two businesses by the State and their tax keeping records. They do share some of the equipment, such as the motor home, simply for convenience. Frequently one business operates here while one operates in Idaho or Wyoming. They share some locations because the visibility is optimal. He is concerned

about the issue of denial because there was a business license issued in 2008 and there does not seem to have been a reason given for denial or that they have violated any of the provisions of the ordinance.

Mayor Gotchy explained they feel they have been deceived; that they are operating the same business, just using a different business license. The same products are being sold and the same people are there. Even the same racks are being used. They have been there for a long time now and the City has received numerous complaints about them. Their lighting is one of them, shining into peoples' windows. The decision to not allow them to have another temporary business license was made in Departments Head meeting, so there was no official letter of denial. They feel it is the same business; the only difference is the two peoples' names, etc. When they switched licenses, it was still the same product and everything. They feel the two of them will do the same thing in 2009, which would be another 180 days. They are getting away with running a business with little overhead when the full time businesses are paying property taxes, etc.

Mr. Reyes said he believes that can be easily addressed without having to have denial issues. He can appreciate their concerns because it does appear that way. Ms. Steadham clarified that the racks were not the same. She put hers up after the previous owner took hers down to use them at a Clearfield location while Ms. Steadham conducted her business in Sunset. The previous owner had just purchased a travel trailer so she let Ms. Steadham use her motor home so she wouldn't have to stay out in the cold. Mayor Gotchy asked her if anyone used the restroom facilities in the motor home. Ms. Steadham replied no customers did, just her. Council Member Budge asked her if she was living in the motor home. Ms. Steadham replied she was not; she has a house in Clearfield.

Mayor Gotchy asked Police Chief Eborn for the content of the complaints he has received about the blanket businesses. Chief Eborn said the lighting issue was something he did not feel he could address because he did not see any ordinance violation. He knows the talk amongst the City was that they have been selling the same product for two consecutive business licenses. He is not the City's legal counsel, but he does not feel like the City is obligated to issue if they feel there are issues. He suggested having the City Attorney attend a meeting where this issue is discussed and he could tell them what the City's options are.

Council Member Chapman reported he visited the location on Sunday. One section of the City Ordinance states that all property must be kept weed and junk free, upon termination the property must be restored to its original state and property clean up must begin directly after termination. He passed around pictures he took of the site on Sunday where there are boxes and packing bands littering the ground. He does not know why they would issue another business license when she is in violation of some of the codes. Mr. Reyes said he can see them telling her they would not issue another license until the garbage is cleaned up and she has addressed their concerns. He can also see the City allowing the two businesses to operate together for one 90 day period a year. In his opinion there are ways to address the City's concerns without depriving them of the opportunity of to at least have one business operate there for a 90 day period. That would also allow the property owner to gain the revenue from

leasing the property. His clients are willing to address the issues to such a fashion to let the Council know they are serious about their business. In their conversations to him, it seemed their intent was not to deceive the City, but to do their businesses. Mayor Gotchy said if they allow them to do another 90 day business, they will have been there for 270 days, which is not the intent of the ordinance.

Council Member Budge said she has two issues. One is the motor home being parked on the property when they don't allow semi trailers being parked on the highway or in their driveways. Ms. Steadham said the motor home was there because two of the tires got slashed during the time she was in business and they are about \$300 per tire. She got permission from the owner to leave the motor home there because she was going to apply for another business license and then it would be okay there. Remax faxed the permission letter to the City. When she was told not to fill out a license application because she would not be approved, she asked Remax if they would give her time to buy tires for the motor home and they said that would be fine. Mayor Gotchy stated he was asking because he does not know how true this is, but it has been said she has been seen emptying out the contents of the RV sewage system into a hole she had dug. Ms. Steadham replied that is not true. The handle is broke on the sewage plug and it is frozen shut. Mayor Gotchy asked if anyone else had any questions or comments. Council Member Budge said her second issue is that they have never allowed the man who sells corn during harvest time to be at his location longer than 90 days. She asked if they were supposed to allow his son to come in and get a second temporary license so they could sell for longer. Ms. Steadham replied she isn't saying that, but she does purchase her own merchandise, the business license is in her name and she had to purchase all the hardware to display her blankets. Her business is separate from the other lady's business; the other lady just got her into the business. The product is the same because they purchase it from the same company. Mr. Reyes said he knows it appears to be the same business, but it that is an issue he believes it can be addressed by allowing them to have one 90 day license and not allowing them to have another one for six months or whatever. If they have done other things wrong, they need to be given the opportunity to correct them. He suggested having them apply and appear at the next Council meeting or they could just take care of the problems, submit their application and see where it goes from there. Mayor Gotchy showed Mr. Reyes the pictures Council Member Chapman took of the lot as of Sunday. Ms. Steadham said the boxes and bands are hers, but a lot of the trash is not.

Council Member Carlson suggested Ms. Steadham and the other lady get a partnership and do 90 days once per year and keep it clean. Ms. Steadham said she would have to talk to her friend, but could see no problem with that.

Council Member Budge made a motion to table this item until Ms. Steadham decides what she wants to do with her business and applies for a license; then she can bring her decision back to them. Council Member Chapman seconded the motion. The motion passed unanimously.

- 4. Planning Commission update on ordinance for turning apartments into condominiums:** Planning Chair Cobb advised the Planning Commission would like to rezone one section of

the City behind Sunset Square to allow apartments to be converted to condominiums, see how that works out and go from there. If this works, they will review each proposal as it arises. Mayor Gotchy asked if they would have separate utilities. Chair Cobb replied that apartments are designed and constructed for that. A common concern is that apartments do not have individual yards. Mayor Gotchy asked if they meet fire codes for individual units. Chair Cobb said he has reviewed that and understands they do because they have to meet those codes when they are built as apartments. There was some confusion as to whether the water and sewer lines would have to be separated.

Fire Chief Coker stated condominiums are individually owned and asked what would happen if the roof needed to be repaired and some owners could not pay for it at that time. Mayor Gotchy said the Home Owners Association takes care of items like that through their membership fees. Council Member Chapman stated this condo conversion would only be one building with four units, so how much money could those four owners put aside for a roof or something similar. It would be different for a whole complex with a lot of units. Chair Cobb said the Home Owners Association would have to be established before the units are sold and only having four units is a concern.

Mayor Gotchy mentioned on the plus side, apartments can get pretty interesting and anytime an owner lives in the building, it ups the chance for having a better area because an owner will usually take better care of the property than a renter. Council Member Budge believes there will still be owners who will use the unit as a rental again in five years or so because they will purchase a bigger home and move out. The same problems will then recur. Mayor Gotchy said that argument can be made with everything, but he has noticed the twin homes in the area are much better kept up than the apartments because of ownership. Council Member Chapman mentioned that the realtor who attended the Planning Commission meeting said right now the building was for sale for \$350,000, but if it was converted to condominiums, the individual units would sell for at least \$120,000 each. With that, he can see why the owner of the building would like it converted. He wants to make sure the Council reviews all the issues and does not do this just for one person. Mayor Gotchy agreed saying they should not jump into it, but he believes anytime there is owner occupation it is better. Conforming to construction codes, sound proofing, separating all the utilities and Home Owners Association by-laws were discussed. Chair Cobb reported that Henderson, Nevada has owners converting the apartments to condominiums and renting the units at a higher rate, which forced the lower income families out causing them to become homeless. That is a concern he wants to review while dealing with the conversion issue.

Council Member Bridges made a motion to allow the Planning Commission to proceed with reviewing this issue to see if it is viable for Sunset and making sure all rules and regulations are followed. Council Member Carlson asked if a motion is really required. Council Member Chapman explained the Planning Commission wanted to know if they were proceeding in the right direction with the Council's backing or if they should not proceed. Council Member Carlson seconded the motion. The motion passed 3 to 1 with Council Member Budge voting no.

5. **Discuss which security and glass bids to approve for the City Building:** Mayor Gotchy explained they have been gathering bids for tempered glass for the office area to prevent people from reaching or coming across the counter and causing harm to employees. There have been a number of suggestions including leaving twelve inches open at the bottom, but he believes that is too high. He would rather it be only six inches so no one can crawl under giving the employee enough time to get away or call for help.

Council Member Chapman said he and the office staff played around with different measurements and scenarios and he does not believe he will fit through a twelve inch space and no one can reach the cash drawer. They want to keep it as open and friendly as possible and still keep the employees safe. The problem he sees with the bids they received is that they are all different. Some have drawings, some don't and some are a different layout. He suggested he have the companies redo their bids on a uniform layout. He and the staff came up with a few ideas. One was where there is the same space at the top of the glass as the bottom with holes cut in the approximate middle so sound can travel all around. They would only go that way though if that does not take away from the strength of the glass. The reason the bids are all different is because Council Member Furniss talked with some companies, Treasurer/Office Manager Youngdell talked with one, he talked with one and none of them knew exactly what the others were saying. Mayor Gotchy asked which design Treasurer/Office Manager Youngdell and her staff liked the best. Treasurer/Office Manager Youngdell referred to the plans she and Council Member Chapman had drawn and replied she likes the first one on the top left for the ADA counter and the middle left for the main counter. It wouldn't hurt to have the openings less than twelve inches, but she feels twelve inches will make people stop and think and it is a little less cold for customer service. Mayor Gotchy asked Police Chief Eborn for his opinion. Chief Eborn said he was fine with whatever the office staff wants because they're only trying to stop a person who loses control at the counter and wants to hit someone. They just want to give the employee time to hit a panic button or run to a back office and lock themselves in until police can get there. Treasurer/Office Manager Youngdell feels a ten inch opening would be okay, but she does not want to take the personalization out of their customer service. Council Member Chapman suggested making Treasurer/Office Manager Youngdell the spokesperson to contact the companies and let them know what they want and ask if it will or will not take away from the strength of the glass. Mayor Gotchy would like to have the new bids by the next Council meeting.

Council Member Chapman made a motion to table this issue until the next meeting when they will have all the information. Council Member Budge seconded the motion. The motion passed unanimously.

6. **Council Member reports and general information:** Council Member Budge thanked the Beautification Committee for their hard work in selecting the winners of the Christmas lighting. It means a lot to citizens to know that their work is appreciated.

Council Member Carlson reminded everyone about the upcoming Sunset Sam event. He reported the Development Review Committee is setting up street and parking standards by

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compiling the surrounding cities' standards and selecting what will work best for the Falcon Hill Development. There is talk about including mass transit in the road designs. He also thanked the Beautification Committee for their selections.

Council Member Bridges thanked the Beautification Committee also. He reported that the Citizen Corps Council had a good year and did a lot of things last year. They are in the process of organizing the Citizens Watch program. The Fire Department received their new jaws-of-life and even had the opportunity to try them out a little while ago. He has talked with Chief Coker about running an ambulance out of Sunset and he will come before the Council when more items get worked out. Mayor Gotchy said he also discussed the ambulance issue with Chief Coker and they are leaning more towards Sunset running its own ambulance instead of housing a Clinton one here.

Fire Chief Coker reported that Life Flight features a Fire Department on their website each month and they have decided to feature the Sunset Department next month.

Police Chief Eborn advised they had put a task force together with the Attorney General's Office to reinvestigate the Rachel Runyan case. The AGs office used \$10,000 in grant money on the reinvestigation, but could not pay for the last DNA test. The Sunset Police Department paid for it in the amount of \$998.00, which was much less than the anticipated \$2,000 to \$3,000. He cannot tell anyone where they are at yet, but some headway has been made. The case is in top shape so anyone picking it up down the line will be able to find everything done. There was a successful one hour Citizens Watch seminar on Saturday with a good turn out. There were at least 15 people who want to start a group in their neighborhoods. There will probably be another one in a couple months. The ultimate goal is to have a Citizens Watch group running in every neighborhood within a year and a half.

Mayor Gotchy thanked everyone for attending the meeting and thanked the Beautification Committee for all their hard work. He loves what they do.

Council Member Chapman made a motion to adjourn. Council Member Carlson seconded the motion. The motion passed unanimously.

The meeting adjourned at 8:15 p.m.

These minutes have been read and approved at the regular City Council meeting held **February 3, 2009.**

Dan Gotchy, Mayor

Susan R. Hale, Recorder